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CONFIDENTIAL.

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413

PART 49.

FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

[In continuation of Confidential Paper 11267 (1915). *Vide* also "Africa" volumes Parts IV and V (1919–1920) for Morocco Papers for intervening period.]

61

January to June 1921.

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Further Correspondence respecting Morocco.

Part 49.

[In continuation of Confidential Paper 11267 (1915). *Vide* also "Africa" Volumes, Parts IV and V (1919–1920), for Morocco papers for intervening period.]

Chapter I.—Alleged Infringements of Algeciras Act and French Encroachments at Tangier.

(a.) Mining Regulations in the Tangier Zone.

[See also Chapter V, No. 58, p. 78, 3rd and 4th paragraphs.]

[W 2786/2786/28] No. 1.

Sir H. White to Earl Curzon.—(Received March 14.)

(No. 88.)

Tangier, March 4, 1921.

My Lord,

I HAVE the honour to transmit to your Lordship herewith translation of a letter addressed to me by Sid Tazi, enclosing copies of two dahirs promulgated by the Sultan instituting mining regulations for the Tangier zone. Translations of these regulations are also transmitted herewith.*

The regulations themselves are, *mutatis mutandis*, nearly identic with those in force in the French and Spanish zones (see King's Regulations No. 9 of 1915, enclosed in my despatch No. 141 of the 30th July, 1915), "Ingénieur en chef, conseiller technique du Makhzen à Tanger," being substituted for "Service des Mines" throughout; "Makhzen" for "protectorat français"; "agents qualifiés à l'effet de pourvoir à l'exécution du présent règlement" for "agents du Service des Mines"; "publiés par les soins du représentant de Sa Majesté chérifienne à Tanger" for "insérés au 'Bulletin officiel'" (article 50). In article 60 the formula adopted is "feront éventuellement l'objet de publications dans la zone de Tanger dans les formes habituelles des publications officielles dans cette ville, et en langues française, anglaise et espagnole."

The only points that appear to me to call for notice are the following:—

Article 9 is worded so as to include all foreign officials as well as Moorish and French.

Article 23, like the corresponding article in the regulation for the French zone, prescribes that the "permis d'exploitation" shall be granted by Shereefian dahir. When the international régime is introduced the grant will presumably be made by the Khalifa.

Article 32: it would have been clearer if at the end of this article the words "au Makhzen" had been used instead of "à l'État marocain": this would obviate any misunderstanding when the international régime is established for all Makhzen

* Not printed.

property will pass to the municipality, whereas it may possibly be argued that État marocain property will not so pass.

Article 39: I presume "Service des Domaines" will eventually be the municipal service.

Article 42: Here again it would have been clearer to use the word "Makhzen" instead of "Gouvernement chérifien."

Article 51: the word "phosphates" has been omitted in the first and third paragraphs of this article, which was to be expected in view of the position adopted by the Protectorate in regard to the exploitation of phosphates. Here again the words "Gouvernement chérifien" are used instead of "Makhzen." I do not suppose there is any *arrière-pensée* in this, the text of the French zone dahir having been retained. In the case of the Tangier zone, should there be any phosphates, which is doubtful, it it would, I think, have been preferable to retain the provisions of the original regulations, as in the case of nitrates.

Article 52, which is new, is the natural consequence of the omission of phosphates from the preceding article.

The old article 52 is omitted, being unnecessary, the Tangier zone having so small an area.

Article 58: The reference to the different currencies is here omitted—they are indeed unnecessary.

As will be seen from the above observations there does not appear to me to be anything in the text of these dahirs to which we need raise objection. Exception must, however, be taken to their promulgation without previous consultation with the Diplomatic Body. There is, it must be admitted, no written engagement on the part of the French Government to do nothing in the Tangier zone without first consulting the Diplomatic Body, but there is a tacit understanding to that effect, which was formerly duly observed. Lately it has unfortunately been the habit of the Protectorate to ignore this tacit understanding and the representations we have made on the subject. When the various dahirs relating to ex-enemy subjects were promulgated and communicated to this agency by Sid Tazi we adopted the policy of leaving his Excellency's letters unanswered. This may have led the Resident-General to take silence as consent, and have encouraged him to continue to deal with the Tangier zone by Shereefian dahirs. In the present case a decision must be taken whether to accept the dahirs and instruct our nationals, who have denounced* mines, to act under them, or else to inform the Resident-General that we cannot recognise their validity. To judge by past experience the latter course would only give rise to fruitless argument, in which each Government would remain of its own opinion. The only other course which suggests itself to me is to protest against the promulgation of these dahirs without having first submitted them to the Diplomatic Body at Tangier, adding, however, that as they are practically identic with the regulations which were drawn up in consultation with the international technical commission, we are prepared to accept them, on the understanding that when the international régime is established at Tangier, the municipality will take over all the rights and duties of the "Makhzen" the "Shereefian Government" and the "Morocco State."

If we accept these dahirs a King's Regulation will have to be issued to make them first applicable to British subjects and protected persons. The Regulation would be in the same terms, *mutatis mutandis*, as Regulation No. 9 of 1915, applying the mining dahir of the 28th January, 1914.

I expressed to my French colleague my regret that these dahirs should have been promulgated without the Diplomatic Body having been consulted. He observed that as the provisions of the dahir were identic with those in operation in the French zone, it would not have been thought necessary to consult the foreign representatives.

I have, &c.
HERBERT WHITE.

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* "Dénoncer," *i.e.*, notified claims to.

Enclosure in No. 1.

Sid Tazi to Sir Herbert White.

(Translation.)
(After Compliments.)

I HAVE to inform your Excellency that His Majesty the Sultan has promulgated two Shereefian dahirs to regularise the prospecting for mines in the Tangier zone, and for their exploitation, and to settle the disputes which have arisen before this date.

I transmit to your Excellency herewith a copy of the said two dahirs* on behalf of his Excellency the High Commissioner, Minister for Foreign Affairs, to his Shereefian Majesty, and I trust you will take the necessary steps to give effect to the legal ordinances of the first dahir by means of the consular tribunal of your respected agency, should the occasion arise.

I inform you of this and may you continue, &c.

MOHAMMED TAZI.

Tangier, 20 *Jumad II*, 1339 (*March* 1, 1921).

[W 3246/2786/28]

No. 2.

Señor Merry del Val to Earl Curzon.—(*Received March* 24.)

(Confidential.)
(Translation.)

My Lord, *Spanish Legation, London, March* 19, 1921.

IN virtue of instructions received from the Government of His Majesty the King, my august Sovereign, I am obliged to bring a fact to your Excellency's knowledge which affects the very essence of the Statute of Tangier and its zone, bringing this question into unexpected relief and giving it an unlooked for impulse, if the situation in which Tangier was placed at the moment by agreement of the three principally interested nations is taken into account.

The Chargé d'Affaires of the French Republic in Madrid has informed the Government of His Majesty the King of Spain, through the medium of an official communication, that the Shereefian Government has decided to publish the text of mining regulations for the Tangier zone, which, except for the innovation relating to the phosphates monopoly, coincides almost exactly with the terms of those actually in force in both zones of the Empire, and another regulation regarding the solution of mining disputes, both dated the 11th January, 1921. The Government of His Majesty the King of Spain, not being able to recognise the right of His Majesty the Sultan of Morocco to legislate in the Tangier zone, as long as the régime to which it shall submit has not been determined with the intervention and concurrence of Spain, France and Great Britain, refuses to acknowledge the validity of the pretended promulgation, considering it to be null and void and without obligatory force of any kind.

The fact is complicated by the circumstance that everything referring to the mining régime in Morocco has been the subject of a formal agreement between the Spanish and French Governments, in virtue of which no regulations are to be made without a previous agreement between them. Not only has the French Government disregarded the promise which had been made in this case, but has also, by means of the alterations, introduced into the text of the general regulation and the dispositions made with reference to mining disputes—which establish a Commission of Arbitration on which a representative of the Sultan in Tangier sits—aimed a direct blow at the Statute of this town and zone itself.

This conduct is all the more surprising in that M. Geoffray, Ambassador of the French Republic in Madrid, in a note addressed to the Minister of State, Señor Navarro Reverter, on the 14th April, 1913, declared categorically that the legal advisers to the Ministry for Foreign Affairs of France, having been consulted, stated that, in their opinion, "that, in so far as the Tangier zone is concerned, where no competent authority exists for this promulgation (that of the mining regulation), nor for the constitution of those organisations foreseen in the same for guaranteeing its application, such as the Commissions of Arbitration, it is proper that the publication of the dispositions

* Not printed.

referred to should be postponed until the necessary elements to that effect have been constituted."

The Government of His Majesty the King, my august Sovereign, attribute the greatest importance to the measure adopted by the Shereefian Maghzen of Rabat, under the auspices of the French Government, in contradiction with their engagements and their own solemn declarations, and declines all responsibility for the painful consequences which might result if the dispositions in question are not immediately made ineffectual. Faithful to their principle of recognising the ground of the intervention of the British Government in matters relating to the Statute of Tangier and its zone, in the same manner as the two other interested Powers, they apply to your Excellency through me in order to bring the case to your notice and beg for your support of the protest which they have formulated in answer to the French Chargé d'Affaires and of the steps which they are disposed to take in Paris with the Government of the French Republic in order to obtain that the Shereefian Government should desist from the act they intend to carry out.

I have no doubt but that your Excellency, who is always opposed to any one-sided modification of the Statute of Tangier and its zohe, will receive my request favourably.

I take, &c.
ALFONSO MERRY DEL VAL.

[W 3246/2786/28] No. 3.

Earl Curzon to Señor Merry del Val.

Your Excellency, *Foreign Office, April* 4, 1921.

WITH reference to your Excellency's note of the 19th ultimo, respecting the issue by the Sultan of Morocco of mining regulations for the Tangier zone, I have the honour to inform your Excellency that His Majesty's Ambassador in Paris has been instructed to protest to the French authorities against the action of the Sultan in promulgating these regulations without previous consultation with the Diplomatic Body at Tangier.

I have, &c.
CURZON OF KEDLESTON.

[W 2786/2786/28] No. 4.

Earl Curzon to Lord Hardinge (Paris).

(No. 930.)

My Lord, *Foreign Office, April* 4, 1921.

I TRANSMIT herewith copies of correspondence with His Majesty's agent and consul-general at Tangier,* on the subject of dahirs instituting mining regulations for the Tangier zone, which have been promulgated by the Sultan without previous consultation with the Diplomatic Body at Tangier. This is a further instance of the persistent efforts made by the French Government to treat the Tangier zone as though it were an ordinary part of the French protectorate. I request your Lordship to represent to them that His Majesty's Government have a right to expect that all regulations affecting the Tangier zone are previously submitted to the Diplomatic Body for approval. While His Majesty's Government have no desire to raise objections to the terms of these particular regulations in themselves, they are not ready to make them applicable to British subjects unless the French Government will undertake that when the international régime is established at Tangier the municipality will take over all the rights and duties of the "Makhzen" "Shereefian Gnvernment" and "Morocco State" as specified in the dahirs. I understand that similar representations will be addressed to the French Government by the Spanish Ambassador, but I think it will be better that your Excellency should act separately and not in concert with your Spanish colleague.

2. Another matter to which I request that you will draw the attention of the French Government is the "arrêté viziriel" of the 10th January last, governing the finances of the narrow gauge railways in the French zone. I enclose a copy of the

* See Nos. 1 and 5, and "arrêtés" enclosed in Tangier No. 65 of February 16 (not printed).

"arrêté," article 7 of which contains the rules for the conclusion of contracts "de gré à gré" These rules are not in accordance with the Adjudication Regulations drawn up under article 110 of the Algeçiras Act. In particular, section 1 of article 7 raises the maximum amount of such contracts from 3,000 douros, which was the maximum laid down by the Adjudication Regulations, to 100,000 fr., and the subsequent sections dealing with special classes of goods and services contain no limit of amount. While it would be difficult to maintain that these regulations are unreasonable in principle, they might easily be so applied in practice as to make the Adjudication Regulations a dead letter. The matter is hardly of sufficient importance to warrant a separate protest, but I think that in addressing the French Government in regard to the mining regulations your Lordship might allude thereto as another instance in which His Majesty's Government consider that the protectorate authorities have acted *ultra vires*.

3. I am instructing Sir H. White to address similar representations to the French Resident General at Rabat.

I am, &c.
CURZON OF KEDLESTON.

[W 2786/2786/28] No. 5.

Earl Curzon to Sir H. White (Tangier).

(No. 91.)

Sir, *Foreign Office, April* 4, 1921.

I HAVE received your despatch No. 88 of the 4th ultimo, enclosing copies of two dahirs promulgated by the Sultan instituting mining regulations in the Tangier zone. I note that these regulations have been promulgated without consultation with the Diplomatic Body. I have instructed His Majesty's Ambassador at Paris in a despatch, of which I transmit a copy herewith,* to make a representation to the French Government both in regard to this matter and in regard to the contracts for the supply of materials for the narrow-gauge railways by *marchés de gré à gré*, to which you refer in your despatch No. 65 of the 16th ultimo and in your telegram No. 11 of the 18th instant.

2. It will, I think, be well if you will address a communication in the same sense to the French Resident-General.

I am, &c.
CURZON OF KEDLESTON.

[W 4089/2786/28] No. 6.

Sir H. White to Earl Curzon.—(Received April 16.)

(No. 140.)

My Lord, *Tangier, April* 4, 1921.

WITH reference to my despatch No. 95 of the 8th ultimo, I have the honour to report that my Spanish colleague informs me that his Government has addressed a strong protest to the French Government in regard to the promulgation by the Sultan of the Mining Dahir for the Tangier zone without previous consultation with the Diplomatic Body among themselves.

The Spanish Government object strongly to the duties assigned to the Service des Mines in the French and Spanish zones being confided at Tangier to the chief engineer personally, in his capacity as technical adviser to the Makhzen, and not to the public works service of the Caisse spéciale. They have reminded the French Government that, when an agreement was come to for the promulgation of the mining regulations simultaneously in the French and Spanish zones, they had suggested that they should be published for the Tangier zone, but that the French Ambassador had objected that they could not be applied to this zone until a Service des Mines had been established here.

M. Serrat informed me that the new dahir had been posted on the notice board of the Public Works Department without the knowledge of M. Belda, the Spanish engineer, acting as chief engineer during the absence of M. Malégarie, and that, acting on his instructions, M. Belda enquired who had posted it, and, upon being informed

* See No. 4.

that one of the French employees had done so on behalf of M. Malégarie as technical adviser to the Makhzen, he had had it removed and had given instructions that no notice should be put up on the board without his knowledge and consent.

I have, &c.
HERBERT WHITE.

(b.) Strength of Police Tabors in the Tangier Zone.

[See also Chapter V, No. 58, pp. 78 and 79, 4th, 5th and 6th paragraphs.]

[W 6212/1137/28] No. 7.

Señor Merry del Val to Earl Curzon.—(*Received May 30.*)

(Translation.)

My Lord, *Spanish Embassy, London, May* 28, 1921.

I HAVE on several occasions drawn your Lordship's attention to a state of affairs which is both difficult and not devoid of danger, and is created by the presence, in the city of Tangier, of the armed body of men formerly known as the artillery tabor.

Your Lordship is aware that the institution known as the Shereefian military police in the eight ports of Morocco, which were open to trade in 1906, owes its existence and authority to the provisions of articles 1 to 13 of the Act of Algeciras.

On the other hand, it is seen from the minutes of the sittings of the conference of Algeciras, and from the text of the final agreement, that the signatory Powers favoured the suggestion of entrusting police duties in the eight ports referred to exclusively to the military police created in Algeciras.

In so far as concerns the port of Tangier, these general principles formulated in the act were defined and particularised by means of a special agreement between Spain and France, signed at Paris on the 23rd February, 1907, they being the two Powers entrusted with the organisation and working of this military police, at the same time as that of the other seven towns referred to. This agreement determined very precisely the districts in which tabor No. 1 of the Shereefian military police (instructed by French officers) and tabor No. 2 (with officer instructors drawn from the Spanish army) were respectively to keep order, as well as the number of officers, non-commissioned officers and men.

In virtue of the agreement of 1907, and of a supplementary agreement signed by the nations concerned, the total strength of tabor No. 1 is now 500 men and that of tabor No. 2 one-half that number.

Notwithstanding the fact that the policing of the city of Tangier and its environs had been entrusted to these two military bodies instructed by Europeans, the existence has been tolerated within the citadel or fortress of Tangier of a reduced force of artillerymen belonging to the regular Shereefian army, amounting to some seventy men in all, who serve the saluting batteries which are so frequently used in that port.

It should be added that this troop does not leave the fortress and the adjoining batteries, and that it has no other employment beyond that referred to, whilst its effective strength is frequently less than thirty men, under the orders of a French non-commissioned officer. Furthermore, when the two tabors of military police above referred to were organised in 1908, the mehalla, or garrison there maintained by the Sultan, left Tangier.

In course of time the numbers of the so-called artillery tabor increased imperceptibly, and in 1913 it was renamed "Troupes auxiliaires marocaines," and in 1914 the "Dixième Compagnie de Tirailleurs marocains," when transformed into a depot, which recruited, instructed and sent to the battlefront in France contingents of Moroccan troops. It continued to be known by this name during the war, at the conclusion of which the 10th company added to its title that of "Bureau de Démobilisation," to which French soldiers resident in Morocco and belonging to the French fighting forces reported in order to receive their demobilisation papers, in accordance with notices published in the local French press. It is therefore a company of the French army existing in Tangier not only without the sanction of any covenant or treaty, but also in contravention of the nature and finality of the Act of Algeciras, as also of the treaties of the 3rd October, 1904 and the 27th November, 1912, between Spain and France, as well as of the treaty entered into between Great Britain and France on the 8th April, 1904, which appointed a special régime for Tangier without separating it from the Spanish zone of influence or protectorate, much less placing this city under French rule.

At present this "Compagnie de Tirailleurs marocains" is made up as follows:—

1. French officers, non-commissioned officers and men: 3 lieutenants, 14 non-commissioned officers, 54 soldiers, 12 armourers.
2. Native officers, non-commissioned officers and men: 1 kaid tabor, 3 kaid mia, 6 mokademin, 6 manin, 250 soldiers; or a total of 349.

Its armament consists of 8 quick-firing guns, 21 machine rifles, 10 machine guns and 300 Lebel rifles.

This force is nominally at the disposal of the delegate of the Sultan in Tangier, but is under the orders of the French officer who is at the head of police tabor No. 1, the latter being stationed within the outer precincts and suburbs of the city of Tangier, so that at present there are 849 soldiers officered and instructed by the French and 250 instructed and officered by the Spanish, the latter having no arms whatever except the number of rifles allowed by regulations. Moreover, the former occupy both the central and outer precincts of the city of Tangier.

The irregularity is not confined to this increase and transformation of the former artillery tabor, for, in further contravention of the Act of Algeciras (in accordance with which the policing of the city of Tangier was to be exclusively entrusted to the Shereefian police), this new force has been sent to various points outside the citadel and throughout the whole extent of the same, which points should properly be occupied solely by tabor No. 2, which is instructed by officers belonging to the Spanish army.

As a matter of fact, in addition to occupying its barracks (one of which, at least, is situated outside the fortress), it is employed on guard duty at the former German Legation, at the palace of the ex-Sultan Muley Hafid, at the official residence of the Sultan's delegate (Dar Niaba), at the private residence of that delegate, at the telephone exchange, at a house known as "Amariar," and at the gate called Bab-el-Marcha. These are all outside the precincts of the citadel, the artillery tabor alone being considered sufficient for serving the citadel's batteries, thus justifying its presence in Tangier in addition to the two police tabors created by the Act of Algeciras.

The religious chief known as Shereef Muley Ali-el-Uazzani, who is a French-protected person, further has at his disposal his own militia, the number of which is uncertain, but which has a permanent cadre of 150 men under the orders of Hadj Ibrahim-es-Susi. They are only paid when employed, whilst the Pasha has recently organised another troop, also consisting of about 150 men, with a fixed rate of pay, mostly composed of men discharged from tabor No. 1 and from the "Compagnie de Tirailleurs marocains" above referred to. Neither corps has any reason for existence whatever and both are illegal.

Your Lordship will be able to gather from the above that there exists an absolute military occupation of Tangier, which is incompatible with the treaties in force. Your Lordship will therefore understand why the Government of His Majesty the King, my august Sovereign, protests (as it has already protested to the Government of the French Republic) against this state of affairs, which nullifies the duties of the tabor of military police under Spanish instructors, and that my Government asks for the cessation of a state of affairs which might easily lead to serious differences, since the "Compagnie de Tirailleurs marocains" not only illegally occupies the posts enumerated above and which should be occupied by tabor No. 2, but since its officers do not hesitate to allow it to pass through the streets of the city in military formation with full armament.

I have the honour to call your Lordship's attention to the above, both in view of the fact that Great Britain is affected as co-signatory of the Act of Algeciras and of the agreement of 1904 above referred to and in view of her general interests in Morocco and of the final status of the city of Tangier.

I take, &c.
ALFONSO MERRY DEL VAL.

[W 5939/1137/28] No. 8.

Mr. Clark Kerr to Earl Curzon.—(*Received June* 1.)

(No. 216.)

My Lord, *Tangier, May* 17, 1921.

WITH reference to your Lordship's telegram No. 28 of the 4th instant, I have the honour to report that I have made careful enquiries into the present strengths of the police tabors in the Tangier zone and into the alleged encroachment by the

artillery tabor (the "tabor chérifien") on the functions of the Spanish force. The nature of these enquiries has entailed a certain delay, which I much regret.

The Spanish (urban) and the French (extra-urban) tabors, as provided for by the Act of Algeciras, number 250 and 500 men respectively. These figures represent the strengths agreed upon by the Corps diplomatique in 1908. In addition to the 500 men of the extra-urban tabor, the French instructor informs me that he employs some 80 "gardiens civils," who wear no uniform and carry no arms, whose task is to help the police in the prevention of smuggling in the Fahs. These men never enter the town on duty.

The "tabor chérifien" (artillery) now numbers 232 men, its normal strength being 250. As your Lordship is aware, this force is a development of the former shereefian artillery who performed the duty of saluting war vessels entering the port. It has at various times gone by the names of "Troupes auxiliaires marocaines" and "10th Company of the tirailleurs marocains," and is now generally known as the "tabor chérifien." During the war its chief function was, I understand, to recruit and train Moorish drafts destined for service against the Germans in France. At the end of the war its headquarters became a demobilisation office. The numbers of the force have varied from 400 in 1919 to 232 at the present date. It has repeatedly been the subject of protest on the part of the Spaniards. The history of its origin and growth will be found in Sir H. White's despatch No. 144 of the 7th August, 1919. As far as I have been able to ascertain its quarters have always been within the walls of the town, that is to say, within the area allotted to the Spanish tabor by the arrangement arrived at shortly after the Act of Algeciras between the French and Spanish instructors chosen to train the new police force created by that instrument.

The alleged encroachments on this area, as represented to me by the instructor of the Spanish tabor, are shown on the enclosed map.* The posts of the Spanish tabor are coloured in red and yellow and those of the "tabor chérifien" in red, white and blue. The latter are numbered 1 to 13.

On receiving this map from Colonel Patxot, I obtained from the French officer commanding the "tabor chérifien" the following statement as to the units occupying the posts in question :—

1. Burj-el-Barud (powder battery). Barracks of No. 2 Platoon and office of the officer commanding.
2. Burj-es-Sellem (saluting battery). Occupied by the gun teams and the officers' mess.
3. Burj-el-Mersa (port battery). Stables and store rooms.

   The above-mentioned batteries have, it seems, always been occupied by Makhzen troops.
4. Dar-en-Niaba (office of the Sultan's representative). Occupied since the 3rd January, 1920; at present by day only, by a guard of one infantryman without arms.
5. Burj-es-Siaghin (silversmith's battery). Handed over by the Basha on the 3rd January, 1920. Unoccupied.
6. The ex-German Legation. Occupied since the 2nd July, 1919, and at present by a guard of three men by night and one by day.
7. Dar Makhzen (the Basha's Tribunal). Has always been occupied by Makhzen troops and at present by a guard of eight men day and **night**.
8. Dar-en-Naib (the former house of the Sultan's representative). Unoccupied since Sid Tazi changed his place of residence some three years ago.
9. Bab-el-Marshan (the old Peterborough Tower). Has always been occupied by Makhzen troops and is now used as a store and inhabited by a caretaker and his family.
10. Dar-el-Barud (powder magazine). Has always been occupied by Makhzen troops and is now the barracks of No. 1 Platoon.
11. Dar-Moulai Hafid (the palace of the ex-Sultan Moulai Hafid). Occupied on the 15th February, 1920, when the household of the ex-Sultan was sent away from Tangier, at present by a guard of four men.
12. Dar-en-Naib (the present residence of the Sultan's representative). Occupied since he has lived there by a guard of four men.
13. Burj-Bu A'amir (Sparrowhawk battery). Has always been occupied by Makhzen troops, and at present by one unarmed watchman.

* Not reproduced.

This statement shows that posts Nos. 1, 2, 3, 7, 9, 10 and 13 have always been in the occupation of Makhzen troops, that Nos. 5 and 8 are unoccupied and that the total number of men stationed at the other four posts, that is to say, Nos. 4, 6, 11 and 12, is 13. In respect of the posts said to have always been in the occupation of Makhzen troops, this statement is, I understand, substantially correct, except that formerly the Dar Makhzen (No. 7) was, it seems, held by a guard of the Basha's civil police or mukhaznis.

When he gave me this map, the instructor of the Spanish tabor said that it would show how his position at the Kasbah (the citadel of the town) and the other posts within his area had gradually been surrounded by the "tabor chérifien," which was, in effect, nothing else but a unit of the French army, and whose presence was not provided for in any of the treaties. The French in their turn claim that this tabor is a purely shereefian unit that existed before the Act of Algeciras and was not abolished by that agreement, and that, in its present form, it merely carries on the functions of the old artillery tabor, whose original quarters it continues to occupy. While this may explain away the occupation of posts Nos. 1, 2, 3, 7, 9, 10 and 13, it can hardly be argued that it is properly the duty of gunners to furnish guards or picquets at the Dar-en-Niaba (No. 4), the ex-German Legation (No. 6), the palace of the ex-Sultan Moulai Hafid (No. 11) and the private house of the Sultan's representative (No. 12), where use might equally well be made of the Spanish urban police. In defence of the presence of these men in the four posts in question the French claim that at the ex-German Legation and the palace of the ex-Sultan the men are caretakers only, and that, in the case of the other two places, owing to the large numbers of men of the Derkaoui sect in the Spanish police, it is considered safer to employ the men of the "tabor chérifien" on whom they know they could count in case of any trouble with that sect, whose Sheikh is believed to be in the pay of the Spaniards (see Sir H White's telegram No. 7 of the 15th January, 1920).

I have, &c.
A. K. CLARK KERR.

(c.) The Tunny Fishery Dispute.

[W 3922/3922/28] No. 9.

Señor Merry del Val to Earl Curzon.—(Received April 12.)

(Translation.)

My Lord, *Spanish Embassy, London, April 11, 1921.*

THE Spanish subject Juan Martinez has commenced the installation of a tunny fishery in the vicinity of Tangier, in accordance with the article 57 of the commercial treaty between Spain and Morocco of the 20th November, 1861.

In consequence of this action, the French Chargé d'Affaires on the 9th instant presented a note to the Minister for Foreign Affairs of His Majesty my august Sovereign stating that, if the Spanish subject referred to should insist on his plan of installing a tunny fishery in the waters of the neighbourhood of Tangier within the zone which it is claimed has been granted by the Shereefian Government with the character of a monopoly to the Franco-Portuguese company "Sociedad General de Pesca y Conservas de Marruecos" (the General Fishing and Preserving Company of Morocco), His Majesty the Sultan's delegate in Tangier will employ a tug belonging to the Contrôle de la Dette and, hoisting the Shereefian flag, will proceed to order that this kind of fishing above mentioned shall be removed. The installation and the use of the same represent considerable Spanish interests.

As your Excellency knows and informed me by your note of the 9th December, 1919, the Government of His Majesty the King of Spain has never recognised the granting of this monopoly, considering that in granting it the Shereefian authorities have exceeded their competence.

They have therefore transmitted suitable instructions to their agent in the said port, being determined as they are to defend the rights of Spaniards in general and of the aforementioned Juan Martinez in particular.

I consider, therefore, that I must inform the Government of His Britannic Majesty as to this case as a new proof of the necessity of not protracting a negotiation relating to the statute of Tangier, which, by once and for all solving this delicate problem, will

remove the cause of a conflict which at present appears to be sooner or later inevitable, and which might succeed in disturbing the public order in that city, with great danger to the harmony existing at present between the Powers interested in Morocco.

I avail, &c.
ALFONSO MERRY DEL VAL.

[W 4096/3922/28] No. 10.

Sir H. White to Earl Curzon.—(Received April 16.)

(No. 149.)
My Lord, *Tangier, April 10, 1921.*

A SPANISH company has recently placed a "madrague," or stake net for tunny, in the waters of the Tangier zone outside the limits of the concession granted by the Makhzen to a Franco-Portuguese company, as reported in my despatch No. 142 of the 31st August, 1915. It will be remembered that the Spanish Government protested against the grant of that concession, and always cites it as one of the principal grievances against the French protectorate. We likewise protested, but accepted the *fait accompli*, stipulating that no further concessions were to be granted in the Tangier zone without the previous consent of the Diplomatic Body.

My Spanish colleague informs me that the Makhzen has demanded the removal of the nets set by the Spanish company, but that he has refused to allow them to be removed on the ground that, under article 57 of the Hispano-Moorish Treaty of 1861, Spanish subjects have a right to fish on the coasts of Morocco. M. Serrat admitted that it was open to question whether this included the right to establish stake-net fisheries without permission, and said that he would have been willing to apply to Cid Tazi for such permission as a local authority, but that he could no longer do so, as his Excellency had now taken up the matter in the name of the Sultan, whose administrative rights at Tangier he did not admit. He added that if force were used to remove the nets the fishermen would resist; they would only yield to superior force.

I have, &c.
HERBERT E. WHITE.

[W 4303/3922/28] No. 11.

Señor Merry del Val to Earl Curzon.—(Received April 22.)

(Translation.)
My Lord, *Spanish Embassy, London, April 21, 1921.*

WITH reference to my note of the 11th instant respecting the conflict which has arisen in the matter of the establishment of a tunny fishery in the vicinity of Tangier by the Spanish subject Don Juan Martin, it is my duty to acquaint your Excellency with the grave situation which has now arisen over this incident, according to news just received from Madrid.

On the 19th of the present month a tug belonging to the Moroccan Customs, having on board Moorish and European officials, appeared on the spot where the Spanish fishery is being established near Cape Espartel and ordered the fishermen to remove the implements of their trade.

This order was not obeyed, as I made clear to your Excellency in the note referred to, for reasons also set out in the above note.

On the morning of the 20th the fishermen were surrounded by a section of cavalry belonging to tabor No. 1 of the Shereefian police under French officers, who, in the name of the Bajá of Tangier, forbade them to go on with their work.

In view of this action, the Spanish representative in Tangier called upon the delegate of the Sultan, and, having satisfied himself that this Moorish official was aware of what had occurred, having made him understand that the Makhzen by their action had made themselves abettors of this violation, and having vainly appealed to him to respect the rights of the fishermen to continue their labours—a right guaranteed by the treaty of 1861—he informed him that the act must be considered a violation of the jurisdictional rights of Spain, and that accordingly the amicable relations between himself and the Shereefian Naib must be considered broken off, Spain's representative reserving to himself the right to act accordingly.

On the 20th of the present month, acting under instructions from the representative of His Majesty the King my august Sovereign, the Spanish vice-consul in Tangier proceeded to the place on the beach above referred to, requiring of the Kaid-el-Mexuar of the Bajá who was present that he should withdraw the police forces, and receiving the reply that these were acting under orders from the Kaid, as were the French officers of the force, and that as he was acting under orders from the Bajá he had not thought it necessary to appeal for the intervention of the Spanish authorities with respect to their nationals, an attitude which, as your Excellency knows, is contrary to the treaties and the Capitulation operating in Tangier. On receiving his reply the vice-consul made a suitable protest.

Later the Bajá has given instructions so that the fishermen may be enabled to carry on their preparations and even embark their tackle, but did not permit them to put to sea, and the police force of tabor No. 1 continued to surround them.

The Government of the King my august Sovereign, on being informed of these events, has authorised its representative, in the event of force continuing to be exercised to impede the operations of the Spanish fishermen, to announce to the Shereefian authorities that it will be obliged to have recourse to the aid of the naval forces of His Majesty's Government to protect Spanish interests and vindicate the jurisdictional rights of Spain, which have been so seriously disregarded by the Moroccan authorities in Tangier, and will decline responsibilities for any consequences that may ensue.

I consider it needless to call your Excellency's attention to the gravity of this news, which still further increases the state of excitement which the incident has provoked in Tangier, in confirmation of all I have previously brought to your Excellency's notice and again referred to in my note before mentioned with respect to the need for urgency in expediting the negotiations relative to the statute of Tangier, so that this delicate problem may be resolved once and for all.

I avail, &c.
ALFONSO MERRY DEL VAL.

[W 4360/3922/28] No. 12.

Sir H. White to Earl Curzon.—(Received April 23.)

(No. 15.)
(Telegraphic.) *Tangier, April 22, 1921.*

A SPANISH company recently commenced placing stake-nets in Tangier waters without asking for permission. Franco-Portuguese company holding fishing concessions (see my despatch No. 142 of 31st August, 1919) objected that the nets were being placed in their waters. Sultan's representative protested to the Spanish representative against the nets being placed without permission, and, on the work being continued, he had police guard placed round the nets and other material on the shore of Tangier Bay to prevent their removal to the fishing-ground. Spanish flags were then placed on the fishing material, and these have not been interfered with by the police.

Spanish colony, much excited at this incident and at alleged hooting at Spanish cruiser by persons on board French merchant-vessel as she entered the bay, arranged a large demonstration for this morning to visit Spanish representative and protest against the insult of Spanish flag.

Hearing that acts of violence were threatened, I called on the Spanish representative this morning, and, pointing out serious consequences which might arise from acts of violence, urged him to restrain his colony. He said that he would do his best, but they were difficult to deal with, and he feared it would be impossible to restrain them. On my suggesting that he should warn them that they would only injure their own case by acts of violence and that they should leave the matter to be treated by diplomatic methods, he said that the matter was past diplomatic treatment, and he had telegraphed to his Government asking that the matter be put in the hands of admiral commanding the cruiser now here, but had not yet received reply.

He said that his colony had been greatly excited by seeing that machine-gun had been placed in evidence by police and tirailleurs, and added that he had telegraphed to Teutan for the troops to be sent to the frontier of Tangier zone, who could march on Tangier if a single Spaniard were killed. Cruiser would use her guns, but would not land any men.

I pointed out the danger of proposed action, which would lead to troops being brought from Gibraltar as well as from French protectorate.

On leaving Spanish representative, I called on my French colleague and preached prudence by police. He immediately sent for officer commanding, who assured me that he had given orders that police and tirailleurs were to [group undecypherable] dismissed and were not to take out their bayonets, and in case of force being used by Spaniards only to offer passive resistance. He telephoned to enquire as to machine-guns, and was informed that none had been brought out.

I communicated this information at once to Spanish representative, and trust trouble may be averted.

But I venture to suggest that counsels of prudence be offered at Madrid.

My French colleague informs me that Spanish representative also told the Sultan's representative yesterday that the matter passed from his hands to those of the admiral.

(Repeated to Madrid and Gibraltar.)

[**W 4364/3922/28**] No. 13.

Sir H. White to Earl Curzon.—(Received April 23.)

(No. 16.)
(Telegraphic.) *Tangier, April 23, 1921.*

MY telegram No. 15.

Spanish representative called on Sultan's representative yesterday evening, and, after long interview, at commencement of which action by Spanish was threatened, agreement was come to. Police guard was to be reduced to single post, flags to be removed by Spaniards, material left where it was, and representative of fishing company would call on Sultan's representative to come to terms about the fishing. Incident is thus satisfactorily terminated.

(Repeated to Madrid and Gibraltar.)

[**W 4363/3922/28**] No. 14.

Sir E. Howard to Earl Curzon.—(Received April 24.)

(No. 95.)
(Telegraphic.) *Madrid, April 24, 1921.*

TANGIER telegram No. 15.

Paper gave this morning statement that Tangier incident has been satisfactorily settled. Incident was only partially reported in press yesterday, which generally dealt with matter moderately, merely expressing opinion that it afforded proof of urgent need of settlement of Tangier question, which should be awaited with calm. Only Conservative paper "A B C" took up somewhat intransigent anti-French attitude. French Chamber of Deputies having raised question of Tangier on 16th April, it was raised in Spanish Chamber on 22nd April, when Minister for Foreign Affairs promised day for its discussion, and said that Spanish Government had not only agreed a month ago to British proposals on this subject, but had again raised question themselves, being convinced that delay in it was a danger to good relations with nations to which Spain was bound by closest ties.

(Repeated to Tangier.)

[**W 4400/3922/28**] No. 15.

Señor Merry del Val to Earl Curzon.—(Received April 25.)

(Translation.)
My Lord, *Spanish Embassy, London, April 24, 1921.*

WITH reference to my notes of the 11th and 21st of this month, I have the honour to inform your Excellency that, according to a telegram just received from the Government of His Majesty, my august Sovereign, the conflict, which arose through a tunny fishery having been established by the Spanish subject Don Juan Martin within

the zone irregularly granted by the Shereefian authorities of Tangier to a certain Franco-Portuguese company at Cape Spartel, has been solved as follows:—

Don Juan Martin has requested privately and directly from the Sultan's delegate in Tangier the right to establish his tunny fishery between the limit of the Franco-Portuguese concession and the north-eastern border of the Tangier zone, while, on the other hand, the forces of Tabor No. 1 of the Shereefian police were to retire immediately, and meanwhile the fishermen's tackle was to be deposited in a place determined upon under the guarantee of the Spanish representative. Thanks to this solution and the withdrawal of the police tabor, the principal motive of irritation has disappeared, and calm has been restored to a certain extent among those persons who, particularly in the Spanish colony, were in a state of dangerous excitement.

The Government of His Majesty the King of Spain have given publicity to this solution with the object of tranquillising public opinion in the Peninsula.

It appears to be needless to insist on the gravity of the local situation created in Tangier by the events connected with these questions of the tunny fisheries. I make no doubt but that your Excellency is informed of it through His Britannic Majesty's agent in Tangier, and will see in it another proof of the necessity of arriving at a prompt and final solution of the Tangier problem.

I avail myself, &c.
ALFONSO MERRY DEL VAL.

[**W 4753/3922/28**] No. 16.

Sir E. Howard to Earl Curzon.—(Received May 3.)

(No. 267.)
My Lord, *Madrid, April 27, 1921.*

WITH reference to my telegram No. 95 of the 24th April, I have the honour to report that I asked the Minister for Foreign Affairs if he could give me any information as to the incident at Tangier which formed the subject of Sir Herbert White's telegram No. 15 of the 22nd to your Lordship and repeated to me. His Excellency stated that in order to understand the situation it would be necessary once more to begin from the beginning.

In 1861 a convention had been made between the Spanish Government and the Sultan of Morocco giving Spanish subjects the right of free fishing along the coast of Morocco. This treaty was still in force. Further, by the Act of Algeciras, as was well known, the open door was to be maintained in Morocco. The Spanish Government had therefore concluded, as your Lordship is aware, that the concession granted by the Makhzen to the Franco-Portuguese company of exclusive right of fishing off certain parts of the international zone, was an infringement of these two conventions. A well-known tunny fishing firm in the south of Spain, of the name of Juan Martin, had recently been placing nets in the neighhbourhood of Cape Spartel and had apparently established a certain depôt for the material necessary for fishing in Tangier itself. The Sultan's representative at Tangier had interfered with the employees of this firm, preventing them from carrying out the work necessary for their fishing operations and at the depôt, and had even surrounded these employees who were working on the shore with men of the First Tabor and prevented them from rejoining their ship, which was in the bay, or taking off any of the apparatus required for the fishing. This created the greatest possible excitement amongst the Spanish colony in Tangier, and it led to the incident above referred to. His Excellency told me that before the incident occurred there had been some correspondence between himself and the French Chargé d'Affaires here. The latter had addressed a communication to him pointing out that the employees of Juan Martin were infringing the concession that had been granted by the Moorish Government to the Franco-Portuguese Fishing Company. He had replied that the Spanish Government could in no way recognise the validity of the concession, which they considered a violation of their treaty rights, and that Juan Martin was justified in fishing where he had along the coast of the international zone. He had at the same time further pointed out that the situation in Tangier was so uncertain that with regard to this and similar questions at issue it would be advisable, until the position of Tangier could be definitely settled, to come to some practical *modus vivendi* regulating them between the two Governments. The reply to this note

apparently had been the forcible interference by the Sultan's representative at Tangier with the fishing operations of Juan Martin.

The excitement of the Spanish colony over this incident was owing especially to the fact that the Artillery Tabor had brought out machine guns for the purpose of cowing the Spaniards in Tangier, and had been such that there was serious danger of bloodshed. His Excellency emphasised once more, as he has previously done, the urgent necessity of a definite settlement of the Tangier question which would make a recurrence of such incidents impossible. Fortunately, he said, in this case it had been possible to come to an agreement which, if carried out by the Sultan's Naib, would settle this particular matter in a way satisfactory to Spanish interests. The arrangement was that the guards surrounding the employees of Juan Martin, should be removed, and that they should be allowed freedom to transport their fishing apparatus in future to and from the depôt on the shore. Further, they would be allowed to fish along the coast of the international zone from Cape Spartel eastwards to the point where the international zone marches with that of the Spanish zone.

His Excellency then went on to explain, as he has done before, that the Spanish colony were much alarmed on account of the increase of the French forces in the international zone, which they consider to be a standing menace to their liberties, and on the basis of recent figures received from Tangier relating to this subject I stated that I understood from the reports which had reached me from the Foreign Office that the Spanish view of these increases seemed considerably exaggerated. His Excellency then stated that he knew that the actual Tabor No. 1 was not over its proper strength, but the Artillery Tabor, which still continues in being, was not provided for in existing agreements. What, however, alarmed the Spanish colony was that the French authorities had a large number of pensioners in the international zone who had previously served with the French army in Morocco, and that the Shereef of Wazan had also a considerable number of followers in that zone, whether paid or not he did not say, on whom the French could count in case of emergency. In his opinion, therefore, the French Government could dispose of forces within the Tangier zone amounting to something like 2,000 to 3,000 who, although not at present actually enrolled or under discipline, might at any moment be made use of by the French Government for their own purposes. It was presumably for this reason that the Spanish Minister had requested the military forces of the Spanish zone to be assembled in the neighbourhood of the boundary of the two zones, when the possibility of a conflict between the French and Spanish in Tangier seemed to be imminent owing to the tunny fishing incident. This incident, however, was now fortunately satisfactorily settled, and he sincerely hoped that nothing more would occur to produce a similar crisis, but it was useless to disguise the fact that the state of mind in Tangier on both sides was one of extreme tension and excitement, and that, with the best will in the world to maintain peace and order, it might be difficult to do so until definite and final arrangements had been reached which would enable the inhabitants of the Tangier zone to settle down quietly to their own affairs and give up thinking about the political situation.

His Excellency did not mention the other incident which has aroused some excitement in the Spanish press, namely, the report that the recruits on board the French ship "Abda" had indulged in insulting cries and language against the Spanish flag which was being flown on the Spanish cruiser "Alfonso XIII," at that time anchored in the bay of Tangier. The Madrid papers, however, explain that in regard to this matter the French Minister at Tangier gave the Spanish Minister a most ample explanation, and that the incident may be considered as closed.

These papers this morning further publish a telegram from Tangier of yesterday's date stating that the passengers on board the "Abda" never raised any injurious cries when passing the "Alfonso XIII," and, inasmuch as the ship was not at the moment flying the Spanish flag, it was very improbable that they realised her nationality.

I beg to enclose herewith a short summary on articles in the Spanish press dealing with the matter,* from which you will observe that the language was, considering all things, fairly moderate and not provocative.

I have, &c.
ESME HOWARD.

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* Not printed.

[W 4948/3922/28] No. 17.

Sir H. White to Earl Curzon.—(*Received May* 9.)

(No. 160.)
My Lord, *Tangier, April* 20, 1921.

WITH reference to my despatch No. 149 of the 10th instant, I have the honour to report that the French agent called upon me this afternoon to tell me of the incident that has arisen between the Makhzen and the Spanish Agency in connection with the madrague that a Spanish company are placing in Tangier waters.

I had understood from my Spanish colleague that the nets had already been placed, but M. de Carbonnel tells me that this is not the case. He also states that the Spanish company is placing their nets within the limits of the concession to the Franco-Portuguese company, not outside their waters, as M. Serrat told me.

The facts, as related by M. de Carbonnel, are as follows:—

A year or more ago the Spanish company brought nets and other material for the madrague to Tangier, and obtained from a French company permission to place them on their land on the shores of Tangier Bay. The permission was for a definite time, which has now expired. Lately, Sid Tazi received complaints from the Franco-Portuguese company that the Spanish company were about to place a madrague within their waters allotted to them in their concession. Sid Tazi, wishing to be sure of the facts, took no action until the Spanish company began to lay their nets, and then finding that the complaints of the Franco-Portuguese company were well founded, he made representations on the subject to the Spanish agent. As these representations had no effect and the work was continued, he sent his Khalifa with a body of extra-urban police, but without any of the French instructors, to prevent the removal of the nets and other material from the place where they had been deposited on the shore of the bay. The Spanish company then produced Spanish flags, which they placed on the material and on their lighters. These flags have not been interfered with, notwithstanding that the French company owning the land have protested against the placing of Spanish flags on their property.

There the matter rests at present, but M. de Carbonnel fears that M. Serrat may cause some action to be taken which will render the position still more difficult to deal with.

I enquired whether M. Serrat had not replied to Sid Tazi and put forward any argument to justify his action. M. de Carbonnel said that M. Serrat had sought to justify the action of the Spanish company on the grounds that his Government did not recognise the validity of the concession granted to the Franco-Portuguese company.

I have, &c.
HERBERT E. WHITE.

[W 4953/3922/28] No. 18.

Sir H. White to Earl Curzon.—(*Received May* 9.)

(No. 167.)
My Lord, *Tangier, April* 23, 1921.

WITH reference to my despatch No. 160 of the 20th instant, I have the honour to report that the Spanish colony at Tangier, already indignant at the action of the local authorities in preventing the removal of the nets and other material of the "madrague," became very much excited on hearing that persons on board the French merchant-ship "Abda" had hooted and whistled as they passed the Spanish cruiser "Alfonso XIII" in Tangier Bay. The colony consequently made a demonstration on the 21st instant, collecting in large numbers and cheering the admiral and officers of the cruiser as they left the Spanish agency, where a reception had been held in their honour, the Sultan's representative and the basha having been invited to meet them, as well as the members of the Diplomatic Body and other guests.

That evening a leaflet, a copy* and translation* of which are transmitted herewith, was widely distributed in the town, calling upon the Spanish colony to assemble in force on the following morning to make a great demonstration of protest at the

* Not printed.

Spanish agency and insist on a stop being put to the insults which, it was said, were being heaped upon them. Very indiscreet language was also used by Spaniards as to the action which they were to take on that occasion to settle the question of Tangier.

My French colleague called upon me late in the evening to ask me to see the Spanish agent and to endeavour to persuade him to adopt a prudent attitude, so as to prevent, if possible, the occurrence of any untoward incident.

I accordingly called upon M. Serrat early next morning and begged him to restrain his colony from taking any action beyond the visit to the agency. M. Serrat declared his inability to influence them, as they were much excited, more especially as the police and the Compagnie chérifienne had, as was alleged, brought out mitrailleuses.

I refused to believe that he could not influence his people, and said that, on the contrary, I was sure that they would follow any advice he gave them. I urged him, therefore, to tell them that they must refrain from any act of violence, which, after all, could only injure their cause, and must leave the question to be treated diplomatically.

M. Serrat at once somewhat excitedly exclaimed that the matter was beyond that stage; he had exhausted all the resources of diplomacy, and had asked his Government that it should now be left to the admiral commanding the "Alfonso XIII" to deal with the question; he was now awaiting the reply from Madrid. I observed that, whilst awaiting the reply, he should prevent his colony from taking any action in the matter; I was sure that if calm were maintained the question could easily be settled, whereas if violence were resorted to it was impossible to say where the matter would end.

M. Serrat then told me that he had telegraphed to Tetuan to request that Spanish troops be sent to Tangier, and was sending his sons to Spain for safety. On my expressing surprise at this action on his part, there being no necessity whatever for calling in troops, more especially as he already had the "Alfonso XIII" here, he rejoined that there might be such necessity at any moment and that he must have troops, for the cruiser would use her cannon, but would not land any men. Upon, however, my pressing him further, and pointing out that if Spanish troops came they would be followed by French and British troops, and that a very dangerous situation would be created, he said that the troops would only come to the frontier of the zone, ready to march upon Tangier, but that if a single Spaniard were killed he would call them in at once. I observed that, if he would only calm his people, there would, I felt sure, be no danger to any of his colony, but that, nevertheless, I would at once call upon our French colleague and see that counsels of prudence were given to the police.

On leaving the Spanish agency, I called upon the French agent and told him shortly what had passed between myself and M. Serrat, enquiring whether he had heard that mitrailleuses had been brought out. M. de Carbonnel replied that he did not think it possible, but, in order to make sure, he sent immediately for Commandant Mellier, under whose orders are both the extra-urban police and the Compagnie chérifienne. On the arrival of that officer, M. de Carbonnel asked him to tell me exactly what orders had been given. He said that the Compagnie chérifienne were to be kept in barracks and the forts, and that neither they nor the police were to be allowed to have a single cartridge, nor were bayonets to be taken out; if men were landed from the "Alfonso XIII" with arms they were to be requested to leave their arms on the pier until they returned for re-embarkation, but if they refused, and insisted upon passing with their arms, no force was to be used to prevent them and only a formal passive resistance offered; the same course was to be pursued if the Spaniards came to remove the fishing material by force. On my enquiring about the mitrailleuses, Commandant Mellier assured that all the police machine-guns were in store, and that, though he had not thought of giving orders on the subject to the Compagnie chérifienne, he could not suppose that the officer in command had taken the company's machine-guns out of store. He, however, at once telephoned to enquire, and to give orders that, had any machine-guns been taken out, they were to be returned immediately to store.

It being then nearly 11 A.M., at which hour M. Serrat was to receive his colony, I telephoned to him, communicating to him the assurances which Commandant Mellier had given me, and impressing upon him again that, as no act of violence was to be feared from the police, he should keep his colony quiet.

It was difficult to obtain reliable information as to what really passed at the meeting, the wildest rumours being current—amongst others, the report that two "columns" of Spanish troops were to arrive next morning and that the colony were to meet again at the same hour to welcome them. There was naturally considerable

alarm in the town, as the statement as to the arrival of the troops was said to have been made by the head of the deputation which waited on the Spanish agent immediately after he had left the agency.

I was greatly surprised, on reading the account of the events of the morning in the Spanish evening paper "Porvenir," a copy* and translation* of which are enclosed herein, to find the report as to the announcement of the arrival of Spanish troops confirmed, more especially so as this paper is to all intents and purposes the organ of the Spanish agency. In the circumstances I deemed it prudent at once to draw my Spanish colleague's attention to the statement in the paper, expressing my conviction that there must have been some misunderstanding, and that I could count on the assurances which he had given me that morning that it was only in the event of a Spaniard being killed that the troops would be brought in. I beg leave to transmit herewith a copy of the private note* which I addressed to M. Serrat, and of his reply* asking me not to pay any attention to the papers, but to rely upon what he had told me. He added that a settlement of the question was, happily, in sight.

This morning I learned from my French colleague that last night M. Serrat had had a two hours' interview with the Sultan's representative, using at first very threatening language, giving his Excellency to understand that he had in his pocket instructions from his Government to the effect that, if satisfaction were not at once given, action should be taken by the "Alfonso XIII," and adding the extraordinary remark that the moment was a very favourable one for Spain, as the Spanish cruiser was the only vessel of war in the bay, and that the "Diderot" would not be here for some days. (M. de Carbonnel himself had no knowledge of any intention to send the "Diderot" to Tangier.)

Sid Tazi remained very calm and good-humoured, and, in fact, as my French colleague put it, adopted a somewhat paternal attitude towards M. Serrat, contenting himself with pointing out that the latter would incur a very grave personal responsibility if serious trouble arose from an incident which should be easily settled. In the end M. Serrat became more reasonable, and the basis of an agreement was arrived at; after M. Serrat's departure and the exchange of a few messages a final settlement was attained.

The terms of the agreement, as communicated to me by my French colleague, were as follows: the special police guard on the shore was to be removed, the normal post being maintained as usual in the neighbourhood; the Spanish flags which had been placed on the company's fishing material, lighters, &c., were to be removed by the Spaniards; the material was to be left *in situ*, and the manager of the Spanish company was to call upon Sid Tazi with a view to arriving at an agreement in regard to the right to fish.

Last night's "Porvenir" claims the solution as a great triumph for Spanish diplomacy, and sings the praises of M. Serrat for the firmness and tact with which he handled the matter. As, however, it was only M. Serrat's refusal to ask for permission for the placing of the "madrague" that gave rise to the whole incident, a good deal of unnecessary bad blood and a very real danger of serious trouble might have been avoided had the manager of the Spanish company been allowed at the beginning to obtain from Sid Tazi the permission for which he has now applied.

I must here correct a slight error in my despatch No. 160 of the 20th instant. It appears that the dispute dates from last year, when I was absent from Tangier. The Spanish company actually placed their nets last fishing season and left them there, notwithstanding the letters of protest addressed by Sid Tazi to M. Serrat. It was only at the end of the fishing season that the nets, &c., were taken up, brought to Tangier and deposited on the land of the French company by agreement, a rent being paid for the right to leave them there for a time.

I met my Spanish colleague yesterday afternoon and expressed my satisfaction that a settlement had been arrived at, thus removing all danger of trouble. M. Serrat replied that he was not so sure that the danger was over, as his colony were still very much excited, and he feared that his Government might not approve his having accepted the settlement. He expressed the hope that I would not believe the account of the proceedings published in the "Porvenir," and said that he had not used the language ascribed to him. He added, however, that he had had to play up to his colony!

I do not, of course, know what instructions M. Serrat really received from Madrid, but I cannot help thinking that there was a good deal of bluff in his treatment of the

* Not printed.

question, for the Spanish Government cannot have been willing, for what was after all a trivial affair, to risk raising the very serious international conflicts that would necessarily have followed the introduction of Spanish troops into Tangier. In the present state of feeling bloodshed, probably on a considerable scale, must have followed. I venture, therefore, to express the hope that a suggestion may be conveyed to the Spanish Government that strict instructions be issued to their agent here to be careful in future to avoid the recurrence of such incidents.

I must, in conclusion, bear testimony to the moderation and prudence displayed by my French colleague and Commandant Mellier in very difficult circumstances. The attitude of the French paper, the "Dépêche marocaine," has also been absolutely correct.

(Copies to Madrid and Gibraltar.)

I have, &c.
HERBERT E. WHITE.

[W 4954/3922/28] No. 19.

Sir H. White to Earl Curzon.—(Received May 9.)

(No. 168.)
My Lord, *Tangier, April 24, 1921.*

IN continuation of my despatch No. 167 of the 23rd instant, I have the honour to report that I am informed by the French agent that an agreement has been come to between the Sultan's representative and the manager of the Spanish company owning the "madrague," who declared to Sid Tazi that he was prepared to apply for the necessary permission long ago, but was not allowed to do so by the Spanish agent.

Under the terms of the agreement the nets already placed are to be removed from their present position within the waters of the Franco-Portuguese company and placed elsewhere; the permission is for this season only, and the company is to make a deposit as security. The papers are being drawn up for signature, and in the meantime the material on the shore is to remain *in situ*, an undertaking being given that it will not be removed.

M. de Carbonnel showed me a wireless message sent *en clair* by the admiral on board the "Alfonso XIII" to Tetuan on the afternoon of the 22nd instant, to the effect that his ship was ready for all eventualities and that he was preparing a demonstration of force. The actual message, as shown to me, read: "Mi buque listo para todo en camino de demostración de fuerza."

On the other hand it appears that after I had communicated to M. Serrat the orders issued by Commandant Mellier that no cartridges were to be in the possession of the extra-urban police or of the Compagnie chérifienne, cartridges were handed out to the urban police, which is under Spanish instructors, at the rate of 150 cartridges per man. This was not denied by M. Serrat when mentioned to him by Commandant Mellier later. On that occasion also M. Serrat spoke of the "Alfonso XIII" using her guns.

From the foregoing it seems to me as if the Spanish authorities here intended to use force regardless of the disastrous consequences which they must have known would follow, and the wireless message makes it appear they they were not entirely without authority from Madrid. In the latter case the Spanish Government can hardly have been in possession of the true facts of the case.

My French colleague read me a telegram from the residency at Rabat communicating the result of the enquiry into the alleged hooting of the "Alfonso XIII." The captain declared that the Spanish cruiser had no flag, and the passengers, consisting principally of a large number of recruits, probably took her for another French warship. The shouts were more in the nature of cheers, and the vessel was at the time as near to the "Jeanne d'Arc" as to the "Alfonso XIII." The captain absolutely denied that there was any demonstration against the latter vessel."

I have sent copies of this despatch to His Majesty's Ambassador at Madrid and to the Governor of Gibraltar.

I have, &c.
HERBERT E. WHITE.

[W 4810/3922/28] No. 20.

Sir H. White to Earl Curzon.—(Received May 4.)

(No. 174.)
My Lord, *Tangier, April 26, 1921.*

WITH reference to my telegram No. 17 of to-day's date, I have the honour to transmit to your Lordship herewith a copy of a despatch from His Majesty's vice-consul at Tetuan reporting the movement of Spanish troops to R'gaia in connection with the recent Franco-Spanish incident at Tangier. R'gaia, as your Lordship is aware, is the Spanish camp on the borders of the Tangier zone.

M. Serrat himself told me that he had sent for troops from the Spanish zone, giving me at first to understand that they were to come at once to Tangier; he evidently held the same language to M. Martínez, the head of the Spanish deputation, for it was on leaving the agency, after the interview with him, that M. Martínez informed his compatriots that two columns of Spanish troops were coming to Tangier, and invited them to meet in the town the following morning to welcome them. The second column, to which M. Martínez referred, was presumably the column which Mr. Atkinson had heard was to be sent from Laraiche.

It is surprising, in these circumstances, to read in the papers a telegram from Madrid to the effect that the Minister of State had declared that there was no truth in the report that Spanish troops had been made ready to march to Tangier.

Everything seems to show that my Spanish colleague now realises that he pushed things too far, and it would appear that M. Martínez is to be made the scapegoat, for the former came to see me this morning and informed me that it was that gentleman who had worked up the indignation of his compatriots, that he was "cracked" and had now fled to Tetuan to escape the wrath of the colony who were indignant with him for having stirred up so much excitement over such a trivial matter. M. Serrat even asserted that it was French *agents provocateurs* who had instigated the whole affair. He, however, took a very different view of the matter when I saw him just before he received his colony; he then told me that he had himself suggested that a deputation of his colony should call on him to protest, his object being to calm them and prevent them from doing anything violent. Moreover, the speech he made to his compatriots, though he told them to abstain for the time being from violence and remain calm, was scarcely of a sedative nature. It is true that he later said that the report of his speech was inaccurate, but the "Porvenir" report agreed with all accounts from other sources, and he has had no correction made in that paper.

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 20.

Vice-Consul Atkinson to Sir H. White.

(No. 81. Confidential.)
Sir, *Tetuan, April 23, 1921.*

I HAVE the honour to report that, consequent on some Franco-Spanish incident alleged to have occurred in Tangier, about which wild and no doubt greatly exaggerated rumours have been current here since yesterday, General Berenguer, acting on instructions received from Madrid, brought up by train from Ceuta a force of Spanish troops which were hurried on to R'gaia camp yesterday afternoon. This force consisted of six companies of infantry of about 100 men each and two sections of machine guns.

I have good reason to believe also that orders were sent to Laraiche to despatch a column of troops to the borders of the international zone to be ready for any eventuality.

I have, &c.
C. R. B. ATKINSON.

[W 4953/3922/28] No. 21.

Earl Curzon to Sir H. White (Tangier).

(No. 138.)
Sir, *Foreign Office, May* 17, 1921.

I HAVE received your despatch No. 167 of the 23rd ultimo, and I have read with interest the account which you give therein of the recent Franco-Spanish incidents at Tangier.

2. I approve of the attitude adopted by you throughout, and I feel that it is largely owing to your influence that a settlement was reached without further trouble. I will bear in mind the suggestion which you make in the penultimate paragraph of your despatch that a hint should be conveyed to the Spainish Government that it would be advisable for them to issue instructions to their representative at Tangier with regard to his behaviour in the future, but I fear that at the present moment it would be almost impossible to do anything of the sort without offending Spanish susceptibilities to such an extent as to render such a step entirely ineffective.

I am, &c.
CURZON OF KEDLESTON.

(d.) The Electric Light Dispute.

[W 6185/2559/28] No. 22.

Señor Merry del Val to Earl Curzon.—(Received June 7.)

(Translation.)
My Lord, *Spanish Embassy, London, June* 4, 1921.

IT is with considerable regret that I have to inform your Lordship of a further infringement of the Act of Algeciras at Tangier, which is at the same time a violation of a solemn obligation undertaken in regard to Spain by the Shereefian Madjzen and which causes great prejudice to Spanish interests.

A Spanish electric lighting company has been established in Tangier for more than twenty years, the Shereefian Madjzen having (by a note signed by Mohamed-el-Mokri, dated the 2nd July, 1910), confirmed the authorisation already granted to that undertaking for the public and private lighting of the city of Tangier, within certain limits set forth in that communication. This formal concession was approved on the 4th October of the same year by the European Corps diplomatique at Tangier by means of a corresponding document and finally by the Shereefian Government on the 27th of the same month and year, as set forth in a note of that date sent by Mohamed-el-Mokri to Don Manuel Garcia Prieto, Minister of State of His Majesty the King, my august Sovereign. The concession of the 2nd July, 1910, mentioned that the fundamental principles of the Act of Algeciras would certainly be preserved intact, in so far as the Spanish Electric Lighting Company would in no wise be entitled to a monopoly; but it was expressly stated, on the other hand, that it would be entitled to participate with others in the tenders then being made and which might apply to concessions with regard to waterworks, lighting, the supply of gas and transmission of electrical energy to tramways and other similar undertakings, it being understood at the same time that no authorisation could be granted without the proviso that the undertaking obtaining the same bound itself to work on the same bases and conditions as those accepted by the Spanish company, the object being that the latter should not be bound by less favourable conditions. The principle of the "open door," or of equality affirmed and guaranteed by the Act of Algeciras, was thus confirmed in the specific case of electric lighting by the Spanish company.

Notwithstanding these general guarantees and the special guarantees for the Spanish Electric Lighting Company mentioned in the note from the Madjzen dated the 2nd July, 1910, approved by the Corps diplomatique and by the Sultan, a French company known as "La Société marocaine de Distribution d'Eaux, de Gaz et d'Électricité," with registered offices in Paris, is now laying underground cable evidently intended for the purpose of bringing electrical power within the zone appointed for the Spanish company by the authorisation referred to above, without the previous submission of a tender as provided by Chapter 6 of the Act of Algeciras (confirmed by the general regulations concerning tenders approved by the Corps diplomatique at Tangier). This

company is the same as that to which the Madjzen has illegally granted a concession for waterworks in Tangier, notwithstanding the protest made by the Government of His Majesty the King, my august Sovereign. I informed the Government of His Britannic Majesty of this protest in my interview with Lord Hardinge, who was then Permanent Under-Secretary for Foreign Affairs, on the 14th May, 1919, and this was confirmed by my note to your Lordship dated the 4th December, 1920. As your Lordship is aware, the Government of His Catholic Majesty has never recognised this concession, which it considers to be contrary to the Act of Algeciras.

In view of the above, I beg, in accordance with instructions received from the Government of His Majesty the King of Spain, to protest against this fresh infringement of the Act of Algeciras, and of a solemn undertaking given by the Madjzen in 1910 and ratified by the representatives of the Powers who were signatories of the Act of Algeciras at Tangier, one of which Powers was Great Britain, and I beg to request your Lordship's support of the steps now being taken in Paris and in Tangier to prevent the carrying out of an act contrary to this cardinal agreement and special authorisation.

I take, &c.
ALFONSO MERRY DEL VAL.

[W 6601/2559/28] No. 23.

Sir H. White to Earl Curzon.—(Received June 18.)

(No. 35.)
(Telegraphic.) *Tangier, June* 18, 1921.

YOUR telegram No. 35.

Engineer of water company informs me that no underground electric power cables have been laid. Power station is outside zone of Spanish electric light company, and an overhead cable will convey power thence direct to spring.

In any case, there could be no ground for fears of Spanish Ambassador, as Makhzen have engaged to give no contract for electric light except by adjudication (see my despatch No. 129 of 12th July, 1910).

(e.) Consumption Duties.

[W 5005/1416/28] No. 24.

Foreign Office to Board of Trade.

Sir, *Foreign Office, May* 26, 1921.

WITH reference to your letter of the 20th July last, and previous correspondence, on the subject of the application to British subjects in Morocco of consumption duties on certain commodities, I am directed by Earl Curzon of Kedleston to state that the consent of all the Powers concerned has now been obtained to the imposition of the duty on alcohol in Egypt, and that the duty in question is about to be imposed by the Egyptian Government. In these circumstances Lord Curzon proposes to inform the French Government that His Majesty's Government are prepared to apply to British subjects in Morocco by King's Regulations the increased consumption duties on alcohol imposed by the Shereefian Government last year.

2. Before doing so, however, Lord Curzon would be glad to learn whether the Board concur in this course, and whether they desire that any proviso should be made to safeguard merchants who have alcohol in transit to or in bond in Morocco.

I am, &c.
R. H. CAMPBELL.

[W 6329/1416/28] No. 25.

The British Merchants' Morocco Association to Foreign Office.—(Received June 11.)

Sir, 17, *Leadenhall Street, London, June* 10, 1921.

MOROCCO: "Taxe intérieure de consommation."

Referring to my letter of the 30th ultimo, the council has now considered the whole situation, and I am instructed to lay their views before you both as regards

the existing "taxe intérieure de consommation" on tea, sugar, coffee, spices, alcohol, &c., and also as regards the tax which it is believed is now being contemplated in respect of candles.

The council is unanimously opposed to the tax in principle for the following reasons:—

1. It is contrary to the provisions of the Act of Algeciras, and the fact of its being termed a "taxe intérieure" does not alter its character. Since its incidence is at the customs it must be paid by the importer in the first instance, whatever the latter may be able to do in the way of recovery from the consumer later. This necessitates the merchant embarking more capital in his business and operates in restraint of trade.

The fact that the British Government does not agree to the imposition of these taxes on British subjects does not in practice help the British subject, because if he is the importer he cannot get his goods released from the customs until the tax is paid, and if he is a consumer the goods will have passed most probably through native or French hands so that it becomes impossible to claim a refund or, even if that were not the case, he is ignorant of any machinery for doing so.

The council has learned with regret that it is proposed to assent to the increase in the duty on potable alcohol. While they recognise that this may be regarded as one of the articles least open to objection, nevertheless they are averse to agreeing to the course contemplated, since in their opinion it would weaken their power to resist the imposition of similar taxes such as those which already have been imposed upon tea, sugar, coffee, spices, &c., and/or any future increase in the amount of the taxes.

2. The council is of opinion that as the Act of Algeciras has not yet been repealed its provisions should not be waived, even although the French Government may be anxious to be relieved of her obligations under it. If and when it should become expedient to repeal this Act, the council is of the opinion that British subjects should be secured rights of equal value either under a new agreement or by some other competent means.

3. The council has no wish to hamper the French authorities in the administration of the protectorate or in the collection of its revenues, but they are anxious to prevent the extinction of British rights by a gradual process of attrition, each individual act being relatively of little or no importance, but paving the way to greater concessions until finally all the British rights become extinguished and France is able to regard Morocco in the nature of a colony rather than a protectorate with a result correspondingly detrimental to British trade.

4. The council feels that the "taxe intérieure" is not legitimate and is merely an expedient to obviate the necessity of asking international consent to a revision of the import duties or the establishment of a new basis of taxation, and the British trader is naturally apprehensive, since it is difficult to see where assent to such irregular action may lead.

The council therefore is of opinion that the time has now come, if British rights are to be adequately safeguarded, when a determined stand must be taken against the imposition of any taxes in Morocco, except those duly authorised by definite treaties or agreements, either existing now or which France may have in the future to ask the other Powers to sanction.

They are also of opinion that warning of not less than six months should be given of any proposed increase of taxation in order to give time to merchants and others holding stocks of the commodity in question to adjust their business to the new conditions. In no case should the tax be levied on stocks which have already passed the customs, such as is apparently being contemplated in the case of candles.

I have, &c.
(For the British Merchants' Morocco Association),
M. B. MILNE, *Secretary.*

[W 1968/1968/28] No. 26.

Sir E. Howard to Earl Curzon.—(*Received February 22.*)

(No. 91.)

My Lord, *Madrid, February 12, 1921.*

DURING the discussion respecting the British claims of British subjects in Morocco, reported in my immediately preceding despatch, the Minister for Foreign Affairs spoke to me at considerable length and, for him, with unusual heat, about the various grievances which the Spanish Government consider that they have in the first place agains the French Government for the various measures which the latter have taken in Motrocco, and in the second place against His Majesty's Government for not protesting against what the Spaniards rightly or wrongly conceive to be breaches of the Act of Algeciras by France, while they feel that every action of theirs in Morocco is watched by His Majesty's Government with a lynx-like eye and pounced upon with tiger-like swiftness. I will not weary your Lordship with recapitulations of the various actions of the French of which the Spaniards complain, such as the suppression of the Hassani dollar, the question of the Tangier fisheries, the increase of French armed forces in the Tangier zone and various others, or of their complaints against us for not recognising the Spanish protectorate although we have recognised the French protectorate in Morocco, &c. The fact remains that, as I pointed out in my despatch No. 56 of the 1st February, what seems to rankle especially in the mind of the Spanish Government is that they feel that we are prepared to swallow any camel coming from the French while we strain at the Spanish gnats I told his Excellency that I did not know whether any communications had passed between His Majesty's Government and the French Government with regard to these matters of which the Spanish Government complained, but that I felt no doubt that had any breaches of international agreements been committed by the French, His Majesty's Government would hardly have allowed them to pass unobserved.

Captain Ramsay, naval attaché to this Embassy, informs me that King Alfonso has also spoken to him in very much the same sense, and I cannot help feeling that there is now a considerable soreness in Madrid at what is considered to be our lack of sympathy and support, our readiness to criticise and protest against everything in the Spanish zone and our willingness to let slide without comment the various arbitrary actions of which the French Government have, in the opinion of the Spaniards, been guilty both in their own zone and the international zone.

In regard to this, I cannot help thinking that if it were possible, it would be as well to let the Spanish Government know what our reasons are for taking no action in regard to the alleged French aggressions. Hitherto, so far as I am aware, though I may be wrong, we have not drawn the attention of the French Government to any of these matters and have contented ourselves with formal acknowledgments of receipts of Spanish protests against such French action. If the soreness which I referred to above is not to be allowed to rankle indefinitely until it becomes a really unpleasant and serious fact in Anglo-Spanish relations, I would respectfully submit to your Lordship that there would not only be no harm but even a distinctive advantage in discussing frankly with the Spanish Government such grievances as they may have against the French Moroccan authorities and either explaining to them why we think it unadvisable to protest or else join with them in protesting against any action which really seems to be a breach of some international convention. This would no doubt involve a certain amount of trouble to ourselves, but I think it would have the effect of clearing the air and producing a more wholesome atmosphere.

In conclusion, I should add that his Excellency left no doubt as to the fear of the Spanish Government which I have already reported to your Lordship, that Great Britain, while protesting her determination to maintain the international status of Tangier, would allow matters to drift so that the French might little by little acquire such a position in Tangier that there would no longer be any possibility of giving that zone a real international status, and that we should be compelled ultimately to submit to a *fait accompli* which would have been produced slowly no doubt, but none the less surely.

He showed me an article from the French paper the "Information" of the 9th February by Rober-Raynaud, on the subject of Tangier generally and the question of the construction of the port. The article says "in the expectation of a solution of this matter and having no means to force our neighbours on the north and south to admit us to Tangier in accordance with the terms of treaties, we remain there in the *status quo ante bellum* which is the diplomatic latinism under shelter of which we do

not fail to act. This action has materialised by the resumption of the project of the port, and the Sultan having the right to choose the concessionaire of all kinds of public works is in a position to nominate him at once, and such choice only requires for confirmation the adhesion of the Resident-General at Rabat to the financial considerations which are submitted to him. We do not doubt that in creating the port we shall have resolved the most essential points of the problem, for Tangier is really only question of a port."

The Marqués de Lama pointed out that while we were doing nothing and still awaiting the French consent to take part in a conference in London regarding the Tangier question, the French Government were acting in accordance with the spirit of Rober-Raynaud's articles and progressing apace towards the solution of the Tangier question which they desired. He had always been in favour of the closest friendship between England and Spain, and he still believed that this was the real foreign policy for Spain, but if England sat by with folded arms and did nothing to support Spain in this vital question, it might be necessary to look for support elsewhere.

I should add that his Excellency did not actually use the above words or make anything in the nature of a threat, but this was the general impression the conversation left on my mind.

I have, &c.
ESME HOWARD.

[W 1968/1968/28] No. 27.

Earl Curzon to Sir E. Howard (Madrid).

(No. 146)

Sir, *Foreign Office, March* 15, 1921.

I HAVE received your Excellency's despatch No. 91 of the 12th ultimo reporting a conversation in which the Spanish Minister for Foreign Affairs, not for the first time, complained of the attitude of His Majesty's Government in overlooking breaches of the Act of Algeciras and encroachments on Tangier on the part of the French Government, while protesting strongly against any action of the Spanish Government to which a similar condemnation might rightly or wrongly be applied. I propose to show in the following paragraphs how entirely the Marqués de Lema is misinterpreting the attitude of His Majesty's Government who, notwithstanding considerable provocation in the Spanish zone, especially in connection with the claims of British subjects and British-protected persons, have consistently maintained an absolutely impartial attitude in the difficulties and disputes which have unhappily arisen between the French and Spanish Governments in Morocco.

2. It will be convenient to deal in turn with each of the specific complaints made by his Excellency. The first of these refers to the suppression of the Hassani dollar. As stated in my despatch No. 98 of the 15th ultimo, Sir H. White's despatch No. 33 of the 24th January affords material for an effective reply to the Spanish protests on this score. Although the French authorities made the initial mistake of instructing the Bank of Tangier, who passed on the instructions to the branches in the Spanish zone, that no further exchange operations in Hassani coin should be undertaken, these instructions were subsequently withdrawn—not, however, before the Spanish authorities had seized the excuse to transfer all the Government financial business of their zone to the Bank of Spain, contrary to the Algeciras Act. After the withdrawal of the obnoxious instructions the Spanish authorities made no alteration in their arrangements, and avoided or deferred taking certain measures which would have facilitated exchange operations, such as fixing an official rate and permitting the free movement of Hassani coin. Moreover, it would not be easy to contest the French argument that they were entitled in their own zone to take the measures which seemed to them necessary "pour assainir la situation monétaire au Maroc" (Algeciras Act, article 37).

3. The question of the Tangier fishery was discussed with Señor Merry del Val, and the position of His Majesty's Government is set forth in my note to his Excellency of the 9th December (see my despatch No. 331 of the same date). For the reasons explained therein His Majesty's Government are not in a position to make any protest to the French Government, and I do not consider that the Spanish Government have any real grievance in regard to this matter.

*4. The alleged increase of armed forces under French influence at Tangier can only

* See also Chapter I (b).

be described as a mare's nest. Several complaints on the subject have been made comparatively recently by the Spanish Ambassador. In July 1919, for instance, he stated that the French were bringing more troops into Tangier. Sir H. White reported in due course that the French had of course no troops in Tangier, but he thought that the Ambassador was referring to the "Compagnie chérifienne." The strength of this body, which is under French officers, had of late years been increased, and then consisted of about 400 men. Its value was considerable as, owing to the unreliability of the Spanish police tabor which patrols the town of Tangier, it was the only dependable force in the place, and its presence in case of disturbance might obviate the necessity of landing European troops, and Sir H. White did not think that its enlargement had added appreciably to French prestige. Since that date the number of this force has been reduced to 250. In July 1920 Señor Merry del Val again complained, this time of the recruitment by the French authorities of a new force called the Basha's police, and of the building of certain works which seemed to be of a military nature. Mr. Clark Kerr investigated the matter, and reported that the force in question consisted of about forty men, unarmed except for a purely decorative dagger, who went about in the native quarter keeping order generally, and whose recruitment he had not thought it worth while to report when it actually took place. The works referred to consisted in the removal of rubbish from the old fortifications. A copy of Mr. Kerr's despatch is enclosed herewith.* In neither of these instances was a reply sent to the Spanish Ambassador as the matter seemed of small importance, nor did he in either case raise the question again.

5. His Majesty's Government cannot be expected, and certainly do not intend, to adopt a policy of pin-pricks towards the French Government, and to make representations in cases where no real breach of treaty engagements has taken place; but on the other hand they are just as determined as the Spanish Government to maintain their legal rights and to protect British interests in Morocco. The Spanish Government may not be aware that within the last two years His Majesty's Government have addressed protests to the French Government in regard to—

(1.) The "droits de consommation," or import duties imposed in excess of the 12½ per cent. allowed by treaty;
(2.) Unjustified requisitions from British-protected persons under martial law;
(3.) Failure to observe the provisions of the Algeciras Act respecting adjudications;
(4.) Imposition of increment tax upon British subjects contrary to treaty;
(5.) Occupation of German Legation at Tangier;
(6.) Exclusion of British subjects from Chambers of Commerce.

This list will serve to show that His Majesty's Government have not been slow to resist French violations of treaty rights.

6. I am inclined to doubt whether it would be advisable to enter into a minute and detailed discussion with the Spanish Government on all these points, and your Excellency will no doubt be as unwilling as myself to embark on protracted and probably futile arguments as to the action which His Majesty's Government could or should have taken, but I entirely share your view that it would be of great advantage to dispel if possible from the mind of the Spanish Minister for Foreign Affairs the belief that His Majesty's Government are in any way apathetic and tolerant of French encroachments, whilst active to protest against alleged Spanish misdeeds. I leave it to your Excellency's judgment to adopt the best method of achieving this result, and I trust that the contents of this despatch will enable you to do so effectively.

7. As regards the last three paragraphs of your despatch, I must point out that the article quoted from the "Information" is inaccurate in stating that the Sultan and the French Resident-General have the sole right of choosing the concessionnaire for the port works at Tangier. It has always been clearly understood that the Diplomatic Corps would be consulted before the concession was finally adjudged, and only last month Sir H. White, in conversation on this subject with his French colleague, stated that His Majesty's Government expected to be consulted before any decision was taken. M. de Carbonnel replied that of course a communication would be made to His Majesty's Government as soon as any proposal could be formulated. I may observe in this connection that the necessary capital for the undertaking will probably be difficult to find so long as the future status of Tangier remains undecided.

* Not printed.

8. It is hardly fair for the Spanish Government to accuse His Majesty's Government of allowing matters to drift, and thus enabling the French little by little to acquire such a predominant position at Tangier that there will no longer be any possibility of giving the zone a real international status. As the Spanish Government know well, His Majesty's Government will be ready to take part in any discussions or conference as soon as the time and place can be agreed upon by mutual consent, and if the Spanish Government feel that delay is prejudicial to their interests surely it is for them to take the initiative and press the French Government to agree to my proposal that the conference should take place in London.

I am, &c.
CURZON OF KEDLESTON.

Chapter II.—The Future Status of Tangier.

[W 3800/1968/28] No. 28.

Earl Curzon to Sir E. Howard (Madrid).

(No. 186.)
Sir, *Foreign Office, April 7, 1921.*

THE Spanish Ambassador came to the Foreign Office this afternoon in order to present the reply of his Government to the remarks that I had made a fortnight ago about Tangier and other questions.*

The suggestion that I had then made was that there was danger in allowing the larger issue of Tangier to drift; that I could not, for reasons which I had given, again take the initiative in the matter, and that if the Spanish Government still thought that a conference between the three interested Powers was desirable, it was for them, and for no one else, to take the first step.

This, his Excellency now told me, his Government had decided to do. They had addressed, and were about to present, a very strong letter to the French Government, pointing out that their continued failure to settle the question was provoking a situation that would be injurious to the interests of all three parties, notably of France and Spain, and that on every ground of expediency and public interest it was desirable that a settlement should be arrived at. Accordingly the Spanish Government had made a definite proposal to the French Government that a conference should forthwith be summoned, preferably at Madrid, or, if the French declined this suggestion—as they would almost certainly do—then in London. This was a revival of the proposal that I had made more than once during the last two years.

Señor Merry del Val asked me whether the representations made by the Spanish Ambassador at Paris would receive the support of Lord Hardinge.

This, I said, would gladly be given, although, for reasons with which he was familiar, I did not, as a third party, wish to obtrude myself as though I were a principal in the case.

Subsequently, I asked the Ambassador what his Government would say, supposing the French Government, with a great show of friendliness, should indicate their desire both to have a discussion and a settlement, but should offer that the conference should take place immediately in Paris. Would the Spanish Government be disposed to listen to such a condition? Would they be willing to surrender the advantages of a meeting in London, with its superior detachment and impartiality, to the advantages of an early solution?

His Excellency thought that to such a suggestion his Government would return, as they had returned before, a negative reply.

The only other point upon which he touched was that of the commission to examine certain British claims in the Spanish zone, to which I had referred a fortnight before. His Government, he informed me, were prepared to set up a special court of enquiry, from which the individual to whom I had objected would be excluded. Further details of the procedure to be adopted his Excellency promised me in a written communication.

I am, &c.
CURZON OF KEDLESTON.

[W 3983/1968/28] No. 29.

Earl Curzon to Lord Hardinge (Paris).

(No. 171.)
(Telegraphic.) *Foreign Office, April 14, 1921.*

YOUR telegram No. 197.

Please inform French Government that His Majesty's Government are aware of Spanish *démarche*, and that they agree as to the desirability of an early settlement of the Tangier question.

* See Chapter V, No. 58, p. 78.

[W 4359/1968/28] No 30.

Lord Hardinge to Earl Curzon.—(Received April 23.)

(No. 1191.)

My Lord, *Paris, April 22, 1921.*

HAVING been informed yesterday evening by the Spanish Ambassador that by order of his Government he had addressed representations to the French Government urging that a conference should forthwith be summoned to settle the question of the situation at Tangier, I asked for an interview this morning with the President of the Council, and informed him, in accordance with your instructions, that you were aware of the *démarche* made by the Spanish Government, and that you were in agreement with them as to the desirability of an early settlement of the Tangier question.

M. Briand told me that the representations made by the Spanish Ambassador had created an undesirable impression, coming as they do at a moment when the French Government are faced with other questions of extreme difficulty, and that when it becomes known that this moment has been selected by the Spanish Government to raise the whole question of Morocco, the impression upon the public must naturally be very unfavourable. I replied to M. Briand that, although I was fully aware of the difficulties facing the French Government at the present moment, I was convinced that neither the Spanish nor His Majesty's Government had any desire to cause the French Government embarrassment, and that my instructions were of a very general nature and gave expression only to the desirability of an early solution of this long-pending question.

With that point of view M. Briand expressed his entire concurrence.

I have, &c.

HARDINGE OF PENSHURST.

[W 4416/1968/28] No. 31.

Spanish Ambassador, Paris, to M. Briand.—(Communicated to Foreign Office by Señor Merry del Val, April 25.)

M. le Président, *Paris, le 21 avril 1921.*

LA situation dans laquelle se trouvent actuellement la ville de Tanger et sa banlieue, dont le caractère spécial, différent du reste de l'Empire marocain, a été prévu en 1912, est l'occasion d'un tort permanent et chaque jour plus grave pour les intérêts espagnols dans cette ville, et pour ceux de la zone du protectorat où le Gouvernement de Sa Majesté a assumé le rétablissement de l'ordre et le maintien de la tranquillité publique.

Il serait inutile et pénible de rappeler à cette occasion combien de faits ont été signalés depuis quelque temps à Tanger par ce trait distinctif de signifier l'exclusion systématique de l'intérêt espagnol tout en voulant comporter—*de facto*, au moins—l'extension du protectorat français au delà de la zone où il peut s'exercer légitimement. De pareilles ingérences du Gouvernement chérifien et de ses organes dans l'Administration et dans la vie tangeroises—avec des répercussions parfois dans la zone espagnole—ont provoqué à plusieurs reprises de la part du Gouvernement de Sa Majesté des protestations sérieuses et senties.

Les derniers incidents qui se sont produits sont de nature encore plus grave. L'opinion publique espagnole commence à se rendre compte que si le Gouvernement de Sa Majesté acceptait la prolongation indéfinie et injustifiée de cet état de choses, un jour viendra peut-être où non seulement les intérêts espagnols, malgré leurs racines profondes à Tanger, seraient sérieusement lésés, mais, ce qui serait encore plus grave et plus regrettable, la sincère amitié et les rapports étroits qui existent entre les deux pays pourraient être atteints, malgré la bonne volonté des Gouvernements.

Le Gouvernement de Sa Majesté ne voudrait pas encourir ce risque ni assumer cette responsabilité. C'est au nom de ces sentiments et de ces convictions sincères que je dois, M. le Président, protester de la façon la plus formelle contre la prolongation du *statu quo* à Tanger et contre l'ajournement des négociations concernant le statut de cette ville. Le Gouvernement de Sa Majesté me charge par conséquent de demander à votre Excellence la reprise immédiate des conversations entre la France, la Grande-Bretagne et l'Espagne qui doivent aboutir au règlement définitif de la question de Tanger.

Il serait naturel et d'accord avec les précédents que ces négociations eurent lieu en Espagne. Les égards, néanmoins, qui sont dus à l'initiative prise il y a peu de temps par le Gouvernement britannique et le fait indéniable que la situation spéciale de la Grande-Bretagne dans cette affaire donne au territoire anglais le caractère d'un milieu propice à la sérénité des débats, portent le Gouvernement de Sa Majesté à proposer de nouveau Londres comme siège des pourparlers en question

Le Gouvernement de Sa Majesté saurait gré à votre Excellence de vouloir bien lui transmettre sa réponse au plus tôt possible. Je ne doute pas, étant donnés les sentiments d'amitié loyale que votre Excellence a toujours témoigné vis-à-vis de l'Espagne, que cette réponse s'accordera avec le désir du Gouvernement de Sa Majesté en l'espèce, et deviendra le point de départ d'une solution favorable au resserrement des liens d'affection réciproque déjà existants entre deux nations sœurs et amies.

Veuillez, &c.

[W 4667/1968/28] No. 32.

Lord Hardinge to Earl Curzon.—(Received May 2.)

(No. 1269.)

My Lord, *Paris, April 29, 1921.*

WITH reference to my despatch No. 1191 of the 22nd April to your Lordship, I have the honour to enclose herewith copy of a note which I have received from the French Government, in which the President of the Council states that although the actual moment appears to be inopportune for the immediate resumption of negotiations relating to the situation at Tangier, nevertheless the French Government consider it highly desirable that the question should be solved, and he therefore proposes that there should be a meeting as soon as possible in Paris of representatives of Spain, England and France to resume the negotiations which should secure the establishment, under the sovereignty of His Sherifian Majesty, of the special statute foreseen by treaties for Tangier and its zone.

I am communicating a copy of this note privately to the Spanish Ambassador, and I think there is very little doubt that the Spanish Government will refuse to take part in a conference in Paris, that having been their attitude hitherto. In my conversation with M. Briand on the 22nd instant I did not raise the question as to where a conference should take place, my instructions being merely to support the Spanish *démarche* and to express your Lordship's agreement as to the desirability of an early settlement of the Tangier question.

I have, &c.

HARDINGE OF PENSHURST.

Enclosure in No. 32.

M. Briand to Lord Hardinge.

PAR sa note du 22 de ce mois, l'Ambassade de Sa Majesté britannique à Paris a bien voulu faire part au Ministère des Affaires étrangères du désir du Gouvernement britannique, d'accord avec le Gouvernement espagnol, de voir immédiatement reprendre les négociations relatives au statut de Tanger pour aboutir dans le plus bref délai à une solution de la question.

Le Président du Conseil, Ministre des Affaires étrangères, a l'honneur de confirmer à Lord Hardinge les déclarations qu'il lui a faites verbalement à ce sujet. Si les circonstances actuelles paraissent peu opportunes en vue de la reprise immédiate de ces négociations, le Gouvernement de la République n'en estime pas moins, comme le Gouvernement royal, hautement désirable un prompt règlement de la question de Tanger, et il sera heureux, dès que cela sera possible, qu'une réunion ait lieu à Paris des représentants de l'Espagne, de l'Angleterre et de la France pour reprendre les négociations qui doivent aboutir à l'établissement, sous la souveraineté de Sa Majesté chérifienne, du statut spécial prévu par les traités pour Tanger et pour sa zone.

Ministère des Affaires étrangères, Paris,
le 28 avril 1921.

[W 4760/1968/28] No. 33.

M. Briand to Spanish Ambassador, Paris.—(Received at Foreign Office, May 3.)

M. l'Ambassadeur, *Paris, le 28 avril 1921.*

PAR sa lettre du 20 de ce mois, votre Excellence m'a fait part du désir du Gouvernement royal de voir reprendre à Londres, dans le plus bref délai, entre

les Gouvernements français, espagnol et anglais, les pourparlers relatifs au statut de Tanger.

En me référant aux déclarations qui vous ont été faites à ce sujet, j'ai l'honneur de prier votre Excellence d'exposer au Gouvernement royal que le moment ne me paraît pas propice, en raison des difficultés que rencontre l'exécution du Traité de Versailles, pour reprendre immédiatement ces pourparlers.

Le Gouvernement de la République, conformément aux traités, qui prévoient l'établissement d'un régime spécial pour la ville de Tanger et sa banlieue, ne se refusera pas, en ce qui le concerne, dès que les circonstances permettront de réunir à Paris une conférence à cet effet, à consentir aux intérêts étrangers, parmi lesquels ceux de l'Espagne occupent une part importante, toutes les satisfactions compatibles avec le principe de la souveraineté du Sultan, dont l'Empire tout entier a été placé par le traité du 30 mars de 1912 sous le protectorat de la France.

Votre Excellence voudra d'ailleurs bien convenir avec moi que rien ne justifie l'allégation que les intérêts espagnols auraient été systématiquement exclus de Tanger. La récente autorisation délivrée par le Sultan à l'État espagnol de laisser atterrir un câble à Tanger, la bienveillance avec laquelle a été acueillie la demande de concession de madrague dans la baie de Tanger récemment déposée par un ressortissant du Roi, suffiraient à prouver que les intérêts espagnols ont toujours été l'objet d'un traitement particulièrement favorable.

Je saisis, &c.
BRIAND.

[W 4941/1968/28] No. 34.

Earl Curzon to Sir E. Howard (Madrid).

(No. 247.)

Sir, *Foreign Office, May 6, 1921.*

THE Spanish Ambassador, who had sent me a copy of the reply which his colleague in Paris had received from the French Government to the recent Spanish proposal for the resumption of negotiations about Tangier at London, called upon me this afternoon in order to ask my opinion about this document.

I was no more surprised than was his Excellency at the refusal of the French Government, so long as the French Foreign Office remains under the inspiration of M. Berthelot; but I could not conceal from Señor Merry del Val that the unfavourable reception which the Spanish note had met with was, in my judgment, largely due to the not too well-chosen language in which the latter had been couched. I said that it was hardly for me to express an opinion, still less a critical opinion, about communication made by a foreign representative in a foreign country under orders from his Government, but I felt convinced myself that had the letter been written by himself, instead of by his Parisian colleague, he would have felt more disposed, knowing the mood of the French, to lay stress upon the increasing inconveniences of the *status quo*, upon the anomalies of the situation at Tangier and upon the legitimate expectations of the Spanish Government, based upon treaty stipulations, rather than upon the encroachments of the French and the feelings engendered thereby in the Spanish bosom.

Again, I felt that had his Excellency been the author, instead of demanding the immediate resumption of official conversations with France, he would probably have had a talk with the French Foreign Minister and have put before him in a conciliatory way the difficulties and dangers of the situation, and, if hard things had to be said, have said them in a private conversation rather than place them upon paper. As it was a situation had been brought about which was not only fatal to an immediate resumption of negotiations, but must render the relations between the two Governments a little strained.

I do not think that the Ambassador dissented from my criticisms, which indeed conveyed an indirect compliment to himself, though he could hardly be expected to express his formal assent. He agreed that there was nothing more to be done for the moment. His Government had, he said, at least made the overture, and though it had been repelled it would stand to their credit in the ultimate account. Meanwhile, the local situation, with all its possibilities of friction and annoyance, must, he supposed, be allowed to develop, until one fine day a crisis would arise, in which some act of violence was committed, which would bring things to a head and compel in different and harder circumstances the negotiations which ought to have been undertaken at an earlier and calmer period.

His Excellency did not ask me for advice in the matter; nor, had he done so, would I have been disposed to give it. My own position throughout in the matter has been that of a friend of both parties, with certain definite interests on the part of Great Britain which it is my duty to safeguard; but I have never regarded myself as a principal, and if the two principals cannot agree, I am quite willing to stand aside until they do, and to hope that sooner or later a more reasonable frame of mind may be shown at Paris.

I am, &c.
CURZON OF KEDLESTON.

[W 5177/1968/28] No. 35.

Señor Merry del Val to Earl Curzon.—(Received May 13.)

(Translation.)

My Lord, *Spanish Embassy, London, May 7, 1921.*

BY reason of statements which I have had the honour to make in person, your Lordship will be aware that the Government of His Majesty the King, my august Sovereign, has decided—in view of our conversations of the 22nd March and 7th and 16th April last—to repeat, in so far as it is concerned, your Lordship's previous negotiations with the French Government for the purpose of obtaining that MM. Leygues and Briand should, in their respective capacity of President of the French Council of Ministers and of Minister for Foreign Affairs, consent to give effect to the proposal made by M. Millerand when he held the same post, *i.e.*, that a tripartite conference should be held in London with the object of finally settling the legal status of Tangier.

With that end in view a communication dated the 20th April last was, as your Lordship is aware, transmitted to the Government of the French Republic, through the intermediary of the Ambassador of His Catholic Majesty in Paris, its presentation being supported by the Ambassador of His Britannic Majesty in Paris.

The President of the French Council of Ministers and the French Minister for Foreign Affairs replied to this note on the 28th of that month, refusing to consent to the conference asked for unless it took place in Paris, although with greater propriety, greater fidelity to the historical antecedents of the question and greater moral right, Madrid might have been suggested as a possible meeting-place, and practically and preferably even London, capital of the third Power interested and more suitable for the discussions in question, thus giving proof of an accommodating and moderate disposition which it is regrettable should not have been made manifest.

Apart from the form taken by this reply, the Government of His Majesty the King, my august Sovereign, deplores that the French Government should not have considered it necessary to base on different grounds a negative that is equivalent to an indefinite postponement, the consequences of which will be directly and immediately harmful to the national rights and interests of Spain and unfavourable to the majority of European interests in Tangier.

My Government considers it its duty to protest against this attitude, the more so since, far from there being no ground for complaint, as M. Briand assumes in his note dated the 28th April last, the position of Tangier (where everything, unfortunately, appears to herald the possibility of serious trouble) causes my Government grave anxiety, and the fact cannot be denied that the principal cause of such a dangerous state of affairs is precisely the policy pursued in that locality and with regard thereto by the friendly Government of France with regard to a Government which is desirous of maintaining the very best relations, being convinced that the problems there pending are capable of a solution which will be equitable for all interests concerned.

It is likewise necessary to protest energetically against the claim made in the note and in other notes received by the Government of His Catholic Majesty in regard to recovering for France the protectorate over the whole Empire of Morocco with Tangier and its zone, basing this claim solely on the Treaty of Berlin of the 30th March, 1912, as though it had not been solemnly recognised by that Power in the later treaty dated the 27th November of that year that the protectorate over the northern zone was to be solely exercised by Spain.

Finally, it is considered that the reply of the French Government, by postponing the possibility of an agreement, frees the Government of His Majesty the King of Spain from all responsibility with regard to the evident consequences, its own goodwill having

been clearly proved and extreme efforts having been made by it to attain a permanent and satisfactory understanding with regard to a question of capital importance for Spain.

I take, &c.
ALFONSO MERRY DEL VAL.

[W 5222/1968/28] No. 36.

Sir E. Howard to Earl Curzon.—(Received May 17.)

(No. 283. Confidential.)
My Lord, *Madrid, May 4, 1921.*

THE Belgian Ambassador, Baron Borchgrave, called on me two or three days ago, and asked, with reference to the reply given by the Minister for Foreign Affairs to a question in the Chamber of Deputies respecting the settlement of Tangier (see my despatch No. 267 of the 21st April last), what the position was now with regard to this matter, and whether His Majesty's Government was taking any steps to promote a conference between the three principal Powers interested. I informed Baron Borchgrave that His Majesty's Government had invited the Spanish and French Governments to a conference in London on the subject; that the Spanish Government had accepted, but that the French Government desired that the conference should be held at Paris and not London, a suggestion which neither the Spanish Government nor His Majesty's Government had, under present circumstances, been prepared to accept. For the moment, therefore, the idea of a conference had been postponed, but I understood that the Spanish Government were again taking the matter up with the French Government, and I had no doubt they would receive the support of His Majesty's Government. Baron Borchgrave then asked me what our views were with regard to the future settlement of the Tangier question. I spoke to him in the sense as I have always spoken to others and reported to your Lordship, namely, that we thought that the only possible solution which would not produce a lasting antagonism between France and Spain was to confer upon Tangier an international status. I said that, so far as I could judge, the question of Tangier was exciting a far greater interest, both in Spain and France, than it did before the war, each party declaring that Tangier was absolutely necessary for safeguarding its interests in Morocco, and therefore there seemed to be very little hope of either party ever agreeing to the cession of Tangier to the other. Should the French insist upon obtaining preponderance in Tangier, either directly or indirectly, I felt sure that it would arouse such a feeling of exasperation in Spain that it would be difficult, in the case of a future war, for the French to count on Spain's friendship or even neutrality, and it seemed, in my humble opinion, to be more important for France to maintain the friendship with Spain than to secure the advantages, whatever they may be, that would accrue to them from the possession of Tangier. Baron Borchgrave said that the French no doubt looked on the possession of Tangier as safeguarding the gate of the Mediterranean, but, he added, "I agree with you in thinking that it is not much use for France to secure that gate if they leave open the gate of the Pyrenees!" I have no doubt, from what his Excellency said, that he agreed with the view that internationalisation was really the best, if not the only, solution of this vexed question.

I took the occasion of a visit from the Italian Ambassador yesterday to ask him what he thought of the recent incident in Tangier. He said that such incidents must be expected to occur so long as the situation in Tangier was unsettled, and that, in his opinion, a settlement was therefore urgently needed. The Spaniards, however, would not, under any conditions, agree to Tangier becoming French at the present time, and, even if there were Frenchmen in high positions who thought that it would not really seriously damage French interests to allow Spain to have Tangier, yet he did not believe that France, for the moment or for some time to come, could afford to agree to such a solution, because it would entail a considerable blow to her prestige throughout the whole of northern Europe. The depreciation of the franc in relation to the peseta had made a greater impression in Morocco, and possibly even in Algiers, than might be supposed, and the Moors argued from this that France was now the weaker and Spain the stronger country. It was therefore impossible for France to forgo any of her claims on Tangier in favour of Spain without still further confirming this impression. I said that in this case it seemed the only possible and satisfactory solution at the present time was an international one. Baron Fosciotti entirely agreed, saying, however, that

this would only be satisfactory if it was really and completely international and not a pretence which would leave the zone really in the hands of one Power or another. Any arrangement of the latter kind would, like the present state of the zone, only lead to further conflict.

The above expressions of opinion on the part of the Belgian and Italian Ambassadors seemed to me to be of interest, as showing that probably both Belgium and Italy realise the danger there is to France and the Allies if any step should be taken with regard to Tangier which would make Spain definitely hostile, and that they also realise that the only way of avoiding a conflict is by a real international settlement such as His Majesty's Government desires. It may therefore be hoped that, if it is possible to reach a settlement in this sense, we may rely on the support of both countries.

I have, &c.
ESME HOWARD.

[W 5227/1968/28] No. 37.

Sir E. Howard to Earl Curzon.—(Received May 17.)

(No. 290.)
My Lord, *Madrid, May 6, 1921.*

IN Lord Hardinge's despatch No. 1191 of the 22nd April his Excellency reported a conversation with the French Minister for Foreign Affairs, in which the latter expressed the view that the present moment was an extremely badly chosen one for negotiations respecting Tangier, seeing that the French Government were fully occupied with their negotiations with Germany. I have the honour to report that "Libertad" (organ of Don Santiagó Alba, leader of one of the Radical groups in the Cortes) of the 29th ultimo contained an article attributing much of the misunderstanding between France and Spain on this subject to the lack of a good service of correspondents to the Spanish press in foreign countries, the result being that the situation in Tangier was misunderstood in Spain, and that the Spanish attitude on this subject was so misunderstood by the French press that the latter actually thought that Spain was seizing the present moment to raise the Tangier question with the deliberate intention of benefiting by France's entanglements with Germany over the Reparations question.

The newspaper lays down as a fundamental principle that Tangier must be Spanish "without payment and without allowances," but thinks that, with a little goodwill, the question can be solved on the basis of the following four principles:—

1. Tangier is juridically, ethnically and geographically part of the Spanish Protectorate.
2. Tangier, as an integral part of the Empire of Morocco, is under the sovereignty of the Sultan.
3. Tangier, from the strategic point of view and from that of the balance of power in the Mediterranean, interests England and Italy.
4. Tangier, as a meeting place of maritime routes for world trade, is in part dependent on the wishes of the Powers signatory to the Act of Algeciras.

Count Romanones, the article continues, argues that France cannot be induced to consent to yield Tangier to Spain without "payment or alliances," but the author considers that, acting upon the above four principles an agreement could be reached, recognising that Tangier falls within the Spanish Protectorate under the sovereignty of the Sultan and his delegate, the Caliph, with a régime of municipal autonomy and with a free port for international commerce. No fortifications would be allowed without the consent of England and Italy; Spain would control the internal and external police; and France would have a right of option on all public works.

The article terminates by saying that France and Spain must at once deal with this problem without the mediation of third Powers, and subject to no other condition than that of submitting points upon which they cannot agree to the League of Nations. Otherwise they had better at once declare themselves enemies, when France will find that her difficulties across the Pyrenees and in North Africa are greater than her difficulties on the far bank of the Rhine.

The "Liberal," of the same date, also contains an article on this subject, the contents of which bear considerable similarity to the remarks made to me by the

Marquis de Lema (see my despatch No. 267 of the 27th April). This article is in the form of a letter from Tangier and is to the following effect :—

Tangier has always been included in the Spanish zone and the only discussions with regard to its status have resulted in a decision that the statutes for its government must be drawn up with the consent of France and England. England has made no difficulties for Spain, but only insists firmly that France shall not get possession of Tangier, which would give her control of the Straits of Gibraltar. France desires possession of Tangier; for Spain it is a necessity. Without it her protectorate would be null. France has hitherto succeeded in preventing the drawing up of the necessary statutes for Tangier; but while dilatory in this respect, she has been singularly active in a forward policy in other respects, particularly in the matter of armed forces. By the employment of French instructors; by the reorganisation of the local artillery forces; by the creation of a large "tabor"; by the creation of the Basha's guard, &c., they have brought about the result that there is a considerable force of armed men over whom they can exercise some control, a state of affairs that has dangerous possibilities, as was shown at the time of the recent incident concerning fishing rights.

I have, &c.
ESME HOWARD.

[W 5314/1968/28]

No. 38.

Earl Curzon to Sir M. Cheetham (Paris).

(No. 1382.)

Sir, *Foreign Office, May 19, 1921.*

I TRANSMIT herewith a copy of a note by Sir Eyre Crowe of a conversation which took place recently between him and the French Ambassador concerning the status of Tangier.

2. If M. de Saint-Aulaire's motive was to inveigle His Majesty's Government into a preliminary understanding with France without the knowledge of Spain, such a manœuvre would be all the more unfair, inasmuch as the French Government have more than once protested against His Majesty's Government attempting to reach a similar understanding with Spain.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 38.

Note of a Conversation between Sir E. Crowe and Count de Saint-Aulaire.

THE French Ambassador spoke to me at great length to-day on the subject of Tangier.

*He referred to the recent incident with the Spanish Minister at Tangier, which had arisen out of the dispute over the coast fisheries.

M. de Saint-Aulaire complained of the absolute unfitness of the Spanish Minister to deal with matters of this kind. He said he was aware that Sir Herbert White shared his view of the difficult character of the Spanish Minister. He was led to think that the Spanish Government themselves appeared to have realised the difficulty of supporting the Spanish Minister's demands and threats, and he was glad to believe that the incident had been more or less satisfactorily settled.

The matter gave M. de Saint-Aulaire an opportunity of urging the necessity of coming to some arrangement about the status of the Government of Tangier. He deplored the failure of the discussions which had hitherto taken place between the French and British Governments on the subject. He felt convinced that there was really no ground for supposing that a friendly arrangement could not easily be arrived at, because what the French demanded was so entirely reasonable in itself that he could not believe that the British Government would really object.

I said that I had formed a very different view of the situation; for hitherto all efforts on our part to approach a solution had met with such unfavourable reception

* See Chapter I (c).

at the hands of the French Government, that we found it difficult to resist the conclusion that the French Government were not particularly interested in a settlement, and were pinning their faith on gaining every advantage from the maintenance of the *status quo*.

M. de Saint-Aulaire, using a great many words, entered on a long argument to prove that both France and England had an interest in not allowing Spain to have a predominant position at Tangier. England, he said, required safety and guarantees as regards military and naval defence in the absence of fortifications or naval bases. Both these and every economic and commercial advantage that England was generally entitled to claim France was ready to concede, and if only the British Government saw their way to enter into discussions with the French Government, a friendly understanding would soon be arrived at which would allow of a settlement with Spain acceptable to all parties.

I recapitulated to M. de Saint-Aulaire what had happened on previous occasions when the same views had been advanced, and said how much we deplored the refusal of the French Government to adhere to the proposal, which they had themselves originally made and which we had accepted, of meeting both ourselves and the Spaniards in a conference in London in order to thrash out the whole matter. We had over and over again explained that we did not consider it fair, in view of the assurances which we had given to the Spanish Government, that we should tie our hands by a preliminary understanding with France, made without the knowledge of Spain, before coming to the conference, with the result that Spain would be met by a joint Franco-British scheme which, being based on an agreement arrived at—no doubt after some give-and-take on both sides—Spain would practically have either to take or to leave. I could not understand why the French Government should so persistently refuse to communicate both to us and to the Spanish Government exactly what they propose to do in Tangier, and thus give us an opportunity of judging of the merits of their scheme. The matter was further complicated by the French insistence on Paris as the seat of the conference.

M. de Saint-Aulaire explained that the real reason for this insistence was the apprehension of the French Government of losing caste in the eyes of the native Mahommedans if a conference to decide on a matter so important to the whole of Morocco as the fate of Tangier were held in any other place than Paris, the capital of the protecting Power. It was therefore a moral rather than a political consideration which influenced the French Government.

I replied that there were moral considerations on the other side. It was notorious that the French Government were out to acquire a predominant position at Tangier for themselves at the expense of Spain and Great Britain, to whom the arrangement previously contemplated would have assigned an equal position. It might therefore be legitimately apprehended that, by choosing Paris as the seat of the conference, France desired to impress the Moors from the outset with their determination not to yield on this vital question. We on our part held fast to the principle of internationalisation, to which France had solemnly agreed, and which should not be repudiated.

M. de Saint-Aulaire said he wished to deny most categorically that there was any intention on the part of the French Government to establish themselves at Tangier. This was an entire misrepresentation of their position.

I remarked that, if this was a misrepresentation, I could only say that it was not due to any misunderstanding on our part; it was based on a direct statement made among others to me personally by Count Peretti in the Ministry for Foreign Affairs, and vigorously upheld by the French delegates at the Peace Conference.

M. de Saint-Aulaire said he knew that there was a party at the Quai d'Orsay who desired to go much further than he himself thought either necessary or right. He had always held the view that the French Government should severely leave the whole of the Spanish sphere alone, and not to meddle with Tangier further than to ensure that France should have complete control over the port, which would have to be constructed, and the railway which would have to connect that port with the interior. What he desired was an organisation at Tangier which would secure this for France, and which would at the same time minimise the risk of allowing too much scope to Spanish mismanagement and maladministration.

I said that this made it all the more desirable that the French Government should state a little more plainly what exactly they did propose, and I could only again urge M. de Saint-Aulaire to try and persuade his Government to formulate a definite scheme and to place it before us and before the Spanish Government. I entirely shared his

feeling that the question ought to be settled, if only to avoid a recurrence of such incidents as that which had recently occurred with the Spanish officials.

M. de Saint-Aulaire, however, allowed the subject to drop without giving me any assurance that he would even advocate such a course being adopted.

E. A. C.

Foreign Office, May 12, 1921.

[W 6849/790/28] No. 39.

Mr. Wingfield to Earl Curzon.—(Received June 24.)

(No. 391. Confidential.)

My Lord, *Madrid, June* 21, 1921.

WITH reference to Sir Esme Howard's telegram No. 129 of the 16th instant, I have the honour to report that the "Times" correspondent in Madrid came to see me yesterday morning to speak about the relations between Spain and France. M. de Caux, who, as your Lordship is aware, is by birth a French subject, informed me that he had made discreet enquiries in well-informed French circles in this capital, and found that the attitude here was to maintain that Franco-Spanish relations are of the best, and that nothing has taken place to affect them injuriously. He said that what puzzled him most in this matter was the absence of newspaper polemics concerning the varied points of friction between the two countries. There was much feeling in Spain on the subject of the taxation, similar to our excess profits duty, imposed on Spanish firms working in France during the war, in spite of the legislation dating from about the year 1868, under which Frenchmen living in Spain and Spaniards living in France were exempt from special war levies, and of the fact that Frenchmen in Spain had invoked this Act and benefited from it at the time of the last Carlist war. Notwithstanding the strong legal arguments which the Spanish Government were able to adduce in support of their compatriots, the Spanish Embassy in Paris had given them practically no support, and it had been left to the "Temps," in its issue of some three weeks ago, to defend warmly the justice of the protests of the Spanish firms in question, the chief of which—the Hispano-Suiza—was being proceeded against by the French Government to recover some 300,000,000 fr. arrears of taxation in connection with the manufacture of aeroplane engines at Puteaux and elsewhere, a sum which they might have been able to pay some two years ago, when the products of their factories were still highly valuable, but the exaction of which now would spell bankruptcy for their French branches.

In the matter of the repayment of the French loan, which formed the subject of Sir E. Howard's despatch No. 322 of the 21st May and previous correspondence, the Marqués de Lema had shown the most extraordinary consideration for French susceptibilities, thinking, it had been suggested, that the relinquishment in favour of Spain of French claims on Tangier might be the reward for complacency in this respect. Now, however, the French had got a satisfactory agreement as to conditions of repayment, and the Marqués de Lema was not likely to reap much fruit from his complacency. With regard to the question of the war taxes on Spaniards, Señor Quiñones de León had been attacked in the Cortes for neglecting to support energetically the Spanish firms, and the Minister for Foreign Affairs first put off replying for a long interval and then made a very lame defence of the Spanish Ambassador in Paris. It was evidently through his Excellency's influence that so little had been said in the newspapers on this subject, and no doubt the Minister for Foreign Affairs was also restraining the Spanish press from discussing the burning topic of French action in respect of the concession for the port of Tangier. A discussion in the Cortes was, however, possible at any moment, and as the Marqués de Lema was unlikely to be able to show that his consideration for French susceptibilities had led to any tangible marks of French goodwill in respect of the whole Tangier question, his position might become impossible and he might be forced to resign. The Spanish Ambassador in Paris might also be obliged to resign as the result of the policy pursued with regard to the war taxation.

I asked M. de Caux whether he could give me any suggestions as to the reasons, apart from the hope that a conciliatory attitude might be rewarded by French consent to the gratification of Spanish aspirations in the Tangier zone, which might be calculated to move the Spanish Government to refrain from taking a strong line as to their treaty rights respecting war taxation, as to the repayment of the loan and as to the question of the concession for the port of Tangier. He replied that the chief weapon which the

French could use against Spain would be to close the French frontier to Spanish wines, thus hitting an important section of the Spanish people, whilst Spain had practically no means of retaliating effectively. He thought, however, that it was the hope of obtaining French consent to the fulfilment of Spanish aspirations respecting Tangier which was the reason of the Marqués de Lema's policy, and that negotiations of some sort must be going on behind the scenes to account for the apparent calmness with which the Spanish Government had received this last move in the French game, which had for its object the establishment of precedents for the acceptance by the Powers interested of acts of authority over Tangier exercised by the Sultan.

M. de Caux was aware that the Marqués de Lema had spoken to Sir Esme Howard on this subject, and I told him that I presumed that the Spanish Government would protest to the French Government, through their Ambassador in Paris, and would not discuss this subject, at all events in the first place, with the French Embassy here. The fact, therefore, that nothing should be known in French circles in Madrid as to Spanish protests did not preclude their having been made through Señor Quiñones de León.

The "Mundo," an Independent Liberal journal, in its issue of the 17th instant, contained a short and moderately phrased article respecting the concession for the port of Tangier, saying that comment must be reserved till the whole of the facts were known, but pointing out that if the facts were as reported the action of the French Government would not seem to be consonant with the friendly relations existing between the two countries.

I have, &c.

CHARLES WINGFIELD.

Chapter III.—Tangier Port Concession.

[W 6123/790/28] No. 40.

Sir H. White to Earl Curzon.—(*Received June* 6.)

(No. 30.)
(Telegraphic.) *Tangier, June* 6, 1921.

MY French colleague informs me he learns from his Government that concession for Tangier port has been granted to International Company, a dahir for that purpose having been signed by the Sultan.

On my expressing my astonishment that this had been done without previous consultation, the French representative informed me that French Ambassador had been in communication with you on the subject.

[W 6287/790/28] No. 41.

Señor Merry del Val to Earl Curzon.—(*Received June* 10.)

(Translation.)
My Lord, *Spanish Embassy, London, June* 9, 1921.

FROM the correspondence which I had the honour to exchange with the Department over which your Excellency so worthily presides, during the months of June and July 1919, as appears from Sir John Tilley's letter of the 18th June, my letter of the 3rd July, Mr. Gerald Spicer's letter of the 19th July and the interview I had with your Excellency on the 4th June of that year, your Excellency has been made aware of the fears expressed from that period by the Government of His Majesty the King, my august Sovereign, as to the possibility of an irregular concession by the Shereefian Majcen as regards the works in the port of Tangier.

I regret to have to inform your Excellency that these disagreeable fears have been realised.

As a matter of fact, the Ambassador of the French Republic in Madrid, in a note dated the 6th of the present month, has informed the Marquis of Lema that His Majesty the Sultan has just granted to the "International Society for the Development of Tangier" the concession of the public works and exploitation of the new port of Tangier by virtue of a dahir the date of which appears to be the 2nd of the present month.

It is well known that, according to the terms of the pact of July 1914, the Sultan has no power to grant the concession referred to without the previous definite approbation of the project by the competent International Technical Commission, the decision of which body is in its turn dependent on the approbation of the Corps diplomatique accredited in Tangier. This principle was admitted by His Britannic Majesty's Government in the letter from Mr. Gerald Spicer, above referred to, under date the 19th July, 1919.

It is impossible, therefore, to understand how the Government of the French Republic can have decided to permit, through its High Commissioner in Rabat, that His Majesty the Sultan should take a step of this character, irregular in its form and void, in view of the agreements on the subject which bind the Government in question with those of Great Britain and Spain.

Apart from this grave infraction of an agreement, the concession in its very essence amounts to an abuse of the legitimate interests of the other Powers concerned and of future local administration in Tangier. As a matter of fact, the dahir above referred to pretends to concede the exploitation of the port for a period of seventy-eight years, at the end of which all rights incorporated in the concession are to revert to the Shereefian Government with the added clause giving the Shereefian Government the right to recover the concession under certain definite conditions. In this manner, as your Excellency can readily see, the future régime of Tangier is prejudged and its state of autonomy reduced to conditions which are really derisory. At the same time, the step above referred to constitutes a grave want of respect to the Corps diplomatique whose previous authorisation is arbitrarily ignored.

Nevertheless, there is more to follow. The Government of His Majesty the King, my august Sovereign, has well-founded reasons for believing that there has passed over to the French group of the Concessionnaire Company of the works and exploitation of

the port of Tangier 20 per cent. of the participation which by the agreement of 1914 was reserved for Germany as well as the 3 per cent. designated to Austria-Hungary at that time, which, added to the 30 per cent. which France already disposes of, produces 53 per cent.—far higher than the participation of England and Spain, which together only amounts to 40 per cent. Your Excellency will understand that it is impossible for the Government of His Majesty the King of Spain to tolerate the destruction of the respective proportions in the above-mentioned company, which formed one of the bases for their consent to the formation of the company and for the concession granted in its day.

From the preceding observations it may be deduced that France, following a systematic policy, desires to place England and Spain in the presence of a *fait accompli* in Tangier, as she has done in other regions of the globe.

Her action is aggravated on the other hand by the fact that this last display of arbitrary action comes on top of the illegal concession of the supply of water to Tangier, the irregular establishment of a fishing industry on its coast, the laying of a cable for the supply of electric light over ground reserved to the Spanish company without previous adjudication, violation of the Act of Algeciras by the establishment of a garrison of French troops in the sector of the city which is under the jurisdiction of the Tabor of Police No. 2, and the formation of irregular forces by the local bajá and the Sherif of Uazzan, a French-protected subject. I have had the honour to give your Excellency an account, in divers communications, of all these exceedingly grave infractions of the fundamental agreement of the existing statute of Morocco and of Tangier, and, taken together, they justify the statement that the French Government will within a very brief space have taken over all the institutions of Tangier and all the manifestations of its administrative, political and economic life, thereby completely violating the understanding existing between the three interested Powers.

In view of this state of things and with special reference to the concession above referred to it is my duty to request of the Government of His Britannic Majesty its energetic co-operation in the steps which the Government of His Catholic Majesty proposes to take in Paris, both Governments to take joint diplomatic action which would consist in repudiating the validity of the concession of the works and exploitation of the port of Tangier until an agreement is arrived at between the three Governments of Spain, Great Britain and France, which shall be founded upon the following conditions as a minimum :—

1. Revision and increase of the respective participations in the capital of the concessionary company in such a form that the mutual proportions stipulated for between the three nationalities shall remain a constant quantity.
2. Modification of the terms of the concession, it being established that once the statute of Tangier has been definitely determined the rights and obligations inherent in the concession should pass to the future administrative body.
3. That obligations issued by the concessionary company shall carry the guarantee of the three Governments referred to and not only that of the Shereefian Government as in the case of the illegal concession of the Sultan.

The importance and gravity of the act announced to the Government of the King, my august Sovereign, by the Ambassador of the French Republic in Madrid inspires me with the conviction that your Excellency will associate himself with all zeal with the measures which, as I have just indicated, the Minister for Foreign Affairs is preparing to take in order to undo the wrong.

I avail, &c.
ALFONSO MERRY DEL VAL.

[W 6286/790/28] No. 42.

Sir H. White to Earl Curzon.—(*Received June* 10.)

(No. 31.)
(Telegraphic.) *Tangier, June* 9, 1921.

MY immediately preceding telegram.

I have received letter from Sultan's representative informing me that Sultan has granted concession for port to International Company and communicating a copy of contract, &c.

I shall forward these papers by next bag.

[W 6383/790/28] No. 43.

Sir H. White to Earl Curzon.—(*Received June* 13.)

(No. 33.)
(Telegraphic.) *Tangier, June* 12, 1921.

YOUR telegram No. 33.

Grant of this concession by the Sultan without consulting Powers interested is a further assertion of the principle recently adopted by French Government that the Sultan can exercise his sovereignty at Tangier independently of the Powers.

I have not yet had time fully to consider terms of the concession, but it clearly gives complete control to Shereefian Government, which provides necessary guarantees for the loan. If municipality were substituted for Shereefian Government when Tangier becomes international there would be no objection to this, but it is extremely doubtful whether municipality would be able to assume obligations, in which case I presume that Shereefian Government would retain control and French position in Tangier be correspondingly strengthened, for so-called international character of the company does not really affect the position. With port, railway, customs, &c., in other hands there would not be much left for municipality.

It is evident that the stronger French can make their position at Tangier under present régime the less inclined will they be to enter upon negotiations to alter present status.

[W 6384/790/28] No. 44.

I.—*Memorandum on the Société internationale pour le Développement du Tanger.*

THE Société internationale pour le Développement de Tanger is a subsidiary company formed in 1914 by the Société marocaine de Travaux publics expressly for the purpose of obtaining a concession for the construction of the harbour works at
11998/10 Tangier. The parent company had been formed in February 1910, for the exploitation of public works in Morocco, with a capital of 2,000,000 fr. According to a
20429/10 statement published in the "Financial News" of the 27th May, 1910, 50 per cent. of the capital of the Société marocaine was French, 30 per cent. German, 10 per cent. British and 10 per cent. Spanish. British interests were represented by Mr. T. H. C. Levick, of the firm of Messrs. Harris and Dixon, 81, Gracechurch Street.

2. Shortly after the formation of the Société marocaine, the Board of Trade,
15256/10 with the concurrence of the Foreign Office, issued a confidential circular to certain British Chambers of Commerce and firms, pointing out that British participation in the organisation was very small, and that the existence of the Société need not deter British firms from tendering for public works in Morocco, either singly or in
31872/10 groups. Later in the year (August 1910) Mr. R. D. Norton, then a director of the Société, applied for the support of His Majesty's Government in favour of a scheme which had been submitted by the Société to the French Government for the grant of concessions (including ports and railways) in Morocco to the value of 60,000,000 fr. Financial participation in the proposed scheme was roughly in the proportion of 50 per cent. French, 30 per cent. German and 20 per cent. other nationalities (British, Belgian, Italian, Portuguese and Spanish), British interests being represented to the extent of 6 per cent. only. After the matter had been considered
43743/10 by the Foreign Office, in consultation with the Board of Trade, Mr. Norton was informed that the inadequate participation offered to British capital would alone render the proposal inacceptable to His Majesty's Government, as the volume and importance of British trade and shipping interests in Morocco justified a British participation not inferior to that of Germany, if not equal to that of France. Further, it was pointed out that the monopolistic character of the scheme constituted a breach of article 107 of the Act of Algeciras.

5813/12 3. Shortly after the signature of the Franco-German Convention of the 4th November, 1911, relative to Morocco, the Société marocaine approached the French Government for the grant of a concession for the construction of the port of Tangier. This fact was communicated to the Foreign Office by Mr. Norton in February 1912, and at the same time he gave an assurance that British participants in construction works in Morocco would be placed by the Société in as good a position as French or

German firms. He was informed in reply that His Majesty's Government were determined to adhere strictly to the principle of adjudication with regard to contracts for the construction of works and supply of materials as laid down in article 6 of the Franco-German Convention. His Majesty's Government held firmly to the
18549/12 view that the construction of the port at Tangier was one of the matters particularly appertaining to the municipality, and the soundness of this view was admitted by
8282/12 M. Poincaré, who in the course of conversation with Sir F. Bertie observed that, as Tangier was to be internationalised, the French Government (acting for the Makhzen) would not be free to grant a concession for the construction of a port there.

4. Somewhat later the Société marocaine began to develop the plan of forming a subsidiary company in which a larger financial participation could be offered to
24355/12 British interests. Mr. W. B. Harris, a member of the English group of the Société, explained that, although a redistribution of the original shares of the Société could not be arranged, sub-companies might be formed for each separate undertaking, such as the construction of the port of Tangier, and that larger participation in these sub-companies could be arranged by negotiation. In March 1913, Mr. Norton
14868/13 wrote to the Foreign Office informing them of the intention of the Société to form a subsidiary company for the development of the port of Tangier, giving British capital a share equal to that of Germany and Spain, and not less than 20 per cent. of the whole. He enclosed a copy of a letter addressed by the Société to the French Government explanatory of their proposals, and stated that similar letters had been sent to the German and Spanish Governments. Further particulars of the subsidiary company, to be styled the Société internationale pour le Développement de Tanger,
23528/13 were furnished by M. Caqueray, managing-director of the Société marocaine, who stated that the direction would be international in the same proportion as the capital, that is to say, there would be three French, two Spanish, two British, and two German directors, and one director representing other nationalities.

5. After full consideration by the Foreign Office and Board of Trade of the
20639/13 24578/13 29091/13 situation that had thus evolved, a despatch was sent to Mr. White (Tangier) informing him that His Majesty's Government had come to the conclusion that the
29091/13 Société internationale pour le Développement de Tanger offered the best prospect of an early and satisfactory construction of the much needed port works at Tangier, and that it was understood that the French, Spanish and German Governments took a similar view. He was authorised to suggest to his colleagues, representing those Governments, that the Société internationale should be invited to submit a scheme for building and constructing the harbour. This suggestion was agreed to by the French, Spanish and German representatives at Tangier, and the agreement thus
33368/13 arrived at was notified by the Foreign Office to Mr. Norton, who was informed that the scheme should be addressed to the doyen of the Diplomatic Body at Tangier. In receiving the notification Mr. Norton clearly understood that the concession to be asked for was only for exploitation of the port, and that the construction must be submitted by the concessionaire company to open tender in accordance with the stipulations of the Act of Algeciras.

6. Information respecting the formation of the Société internationale pour le
6473/14 Développement de Tanger was communicated to the Foreign Office by Mr. Norton
7343/14 in February 1914.* The capital holding 2,000,000 fr. was as follows:—

France 30 per cent.; Great Britain, Spain and Germany, each 20 per cent.; Austria 3 per cent. and other Powers 7 per cent.

France was represented on the Board by M. André Lebon (president), M. G. de Caqueray and M. Alfred Massenet;† England by Mr. R. D. Norton and Mr. Walter B. Harris; Spain by the Marquis de Villamejor, Señor Portela and Señor Eusebia Bertrand; Germany by Dr. W. Lauter and Herr Renschhausen; and Morocco by Abdesselam bin Abdessadok. With regard to the Spanish representation on the board, it is to be observed that difficulties had been raised by the Spanish group, who
40368/13 were not content with the proportion of their share in capital of the Société, but these difficulties were overcome by the appointment of an extra Spanish director, without any increase of the Spanish holding.

7. Meanwhile, representatives of the Société marocaine on behalf of the Société
53842/13 internationale, had furnished M. Porché, engineer-in-chief of the public works at

* The statutes of the Société were furnished to the Foreign Office by Mr. White (Tangier) in paper 13653/14.

† Replaced by M. Boucard.

Tangier, with a draft scheme for building and exploiting the harbour of Tangier which he proposed to lay before the Diplomatic Body at Tangier, with the suggestion that a technical commission should be appointed with full powers to settle the text of the concession, approve the technical plans and appoint the concessionaire. M. Porché's negotiations on the subject were conducted at Paris and an agreement
56154/13 was on the point of being concluded, when he was informed by M. Pichon that another group, the Société internationale d'Études et de Travaux de Maroc, with M. Pershot* at the head, had been formed to obtain the concession. British financial interests in this company were about 2 per cent., and the French about 95 per cent.

56713/13 8. Following upon the appearance of this new group in the field, the French Government pressed for the appointment of a technical commission to examine proposals for the construction of the harbour works at Tangier; they expressed the view that other international companies could not properly be excluded in favour of the Société internationale pour le Développement de Tanger, and that the schemes of rival companies (notably the "Société internationale d'Études") were entitled to
207/14 consideration. In reply to the French representations, His Majesty's Government
57802/14 accepted in principle the idea of the appointment of a technical commission. At the same time the German Government also agreed to the proposed establishment of a technical commission, although they held the view that the concession should be given to the Société internationale pour le Développement de Tanger, as they could not agree to the concession being given to a company in which German interests were not fully represented.

9. After further negotiation a technical commission (Commission internationale du Port de Tanger) was appointed to meet at Paris. It consisted of British,† French, German and Spanish representatives, assisted by M. Porché. The expressed object of the commission was to consider plans for the construction of a harbour at Tangier, and a scheme of concession to the society or firm to whom the undertaking might be granted, it being understood that the Société internationale pour le Développement de Tanger had already submitted an application for a concession to construct and maintain the harbour and that their proposal would be taken into consideration. The first meeting of the commission was held in Paris on the 29th May, 1914, and the meetings were continued until interrupted by the outbreak of the
46088/15 war. A report,‡ however, was drawn up by the commission on the 29th July, 1914, for submission to the Governments represented, setting out the conclusions arrived at, with certain points for their consideration and for expression of their views preliminary to drawing up a final report.

87744/19 10. In June 1919, enquiry was made by the Spanish Ambassador in London respecting the alleged seizure of German property at Tangier by the Moorish Government. When reporting on this subject Sir H. White stated that, at regards Tangier harbour, it was apparently the intention of the French to proclaim that
87925/19 concessions should be given to the Société internationale pour le Développement de Tanger after consultation with the Powers (except enemy Powers) interested. Instructions were sent to him on the 4th July to report developments of the question,
93329/19 and he was told that His Majesty's Government expected that no final action would be taken by the authorities in Morocco without the knowledge and consent of the British and Spanish Governments. At the same time, the Spanish Government
100401/19 suggested that the Commission internationale du Port de Tanger should re-assemble to elaborate a plan for the approval of the Governments concerned. From informa-
155317/19 tion furnished to Sir H. White by M. de Caqueray, administrator-general of the Société internationale, it appeared that, although a report on the Tangier harbour works had been completed by M. Calson and communicated to the French Government, the latter had intimated that they were not desirous of proceeding with the question pending settlement of the future status of Tangier.

EDWARD PARKES.

June 13, 1921.

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* An ally of M. Caillaux.
† Captain G. C. Frederick, R.N.
‡ Annex.

II.—*Summary of the Report of International Commission on the Port of Tangier.*

(87925/1915)

The report deals with projects for the construction of a port at Tangier.

The commission estimate that the total cost will amount to 36,000,000 fr., and that the period required for the completion of the works will be five years.

The cost of the undertaking will consist of :—

26,500,000 fr. for the actual works.
300,000 fr. for preliminary commissions.
200,000 fr. deposit.
9,000,000 fr. general expenses for five years.

The commission approves of the demand of the company, to which the concession is to be given, to have a monopoly in respect of sums raised in connection with loading, unloading, weighing, storage, pilotage, tug service, supply of water to vessels, use of cranes, embarkation and landing of passengers from vessels not moored to the quay. The question of the transport of merchandise from the port to the railway will be dealt with by the railway company.

With regard to port dues and other taxes, these will be raised, according to tarifs *ad hoc*, upon passengers, merchandise, use of harbour, &c., the guiding principle being equality of treatment for all vessels, passengers and merchandise of whatever nationality. The concessionaire must, in the opinion of the commission, be free to levy the highest possible dues within the limits fixed in the "cahier des charges." The report deals in detail with all these headings.

The company estimates the total receipts at 1,860,000 fr. and the expenses in connection with the exploitation at 800,000 fr., leaving an initial balance in their favour of 1,060,000 fr. While not entirely agreeing with these figures, the commission is of the opinion that they may be taken as a temporary basis of calculation.

The company proposes raising an initial capital of 5,000,000 fr., a sum which the commission considers totally inadequate. Upon these lines the total initial deficit works out at over 1,100,000 fr. After discussing various proposals set forth by the company for covering this deficit, the commission is inclined to recommend a solution which has been outlined by Captain Frederick, the British member on the commission, as follows :—

> "1. It is proposed that the 'Caisse spéciale des Travaux publics' may be made use of for providing a subsidy to the concessionaire in order to ensure the payment of interest on the capital outlay on the port during the period of construction, and for a limited number of years after the harbour is being exploited.
>
> "2. That the conditions imposed by articles 106–108 of the Act of Algeciras, that all public works in Morocco should be given out to contract, may be considered as not applicable to the concessionaire for the harbour, basing the argument on the fact that the syndicate or society to whom the concession would be granted is already international in its character, and therefore the intentions of the articles above referred to are really satisfied."

The commission recognises that there are disadvantages involved in appropriating municipality funds, even for the purpose of financing so important a public work as the construction of a harbour at Tangier, and therefore proposes that the "Caisse spéciale" should not be resorted to during the first five years after the granting of the concession, and that it should then be required to contribute only to the extent of 600,000 fr. for twelve years, to be followed by 400,000 fr. for eight years.

Finally, any portion of this sum which might not be required would be paid back to the municipality.

III.—*Minute.*

It is desirable to add a few lines to bring the history of this question up to date.

At the end of January 1921 Sir H. White reported that the project was being examined, and that M. Malégarie, chief engineer of the "Caisse spéciale," hoped to submit a modification of the 1914 project to the Diplomatic Body at Tangier in March.

In March, Sir H. White having failed to ascertain from the French Minister how the German and Austrian shares were to be distributed, at the suggestion of Mr. Norton, one of the English directors (since resigned), we made enquiries of M. Philippeau, one of the French directors. He professed ignorance of any decision having been taken.

On the 6th June Sir H. White telegraphed that the concession had been granted, and on the same date the French Ambassador handed a copy of the concession to Sir E. Crowe without comment. Mr. Harris also communicated a short history of the company, in which the transfer of the German share to the Makhzen was announced.

On the 10th June we received a note from the Spanish Ambassador asking us to lend our support to the vigorous protest his Government proposed to make at Paris.

W. M. CODRINGTON.

June 14, 1921.

[W 6575/790/28] No. 45.

Sir E. Howard to Earl Curzon.—(*Received June* 17.)

(No. 129. Confidential.)
(Telegraphic.) *Madrid, June* 16, 1921.

WHEN I saw King of Spain at station yesterday, he spoke in strongest terms about concession just granted by Shereefian Government to a French company for construction of port of Tangier, without previously consulting Spain or England.

It would not surprise me if His Majesty's final decision to go to England, which was only taken two days before his departure, was to some extent determined by this latest French move as His Majesty will no doubt speak to your Lordship about it. Minister for Foreign Affairs spoke to me on the subject yesterday evening at great length. He began by referring to the two Shereefian dahirs reported in Sir H. White's despatch No. 88, against which His Majesty's Government have protested at Paris, extending mining permit for French zone to Tangier zone. This, he said, as you also remarked in your despatch No. 930 to Lord Hardinge of the 4th April, was further clear evidence of French Government's [group omitted] to act on presumption that Tangier zone could be treated as though it was an ordinary part of French protectorate.

Concession of port of Tangier without consulting other Powers was, however, his Excellency continued, grossest violation of international treaty rights yet committed by the French in Morocco, and if British and Spanish Governments let it pass and allowed concession to materialise, they might just as well look on Tangier as a French possession. No one would, after this, talk of Germany only as treating treaties as scraps of paper. Terms of concession had been communicated by French Ambassador a few days ago merely *à titre de courtoisie* as a *fait accompli* and were in his opinion quite unacceptable. Some step must be taken without delay to end these continual French encroachments which would continue so long as status of Tangier was not settled, and French Government were placing every difficulty in the way of conference proposed by Spanish and British Governments to that end. I said that I had not had any information about it, but speaking personally it seemed to me that if, as appeared from what he told me, there was a distinct violation of Act of Algeciras, and if British and Spanish Governments could not induce French Government to realise this, it seemed to me that question was eminently one for submission to arbitral court of League of Nations. His Excellency said little to this, but evidently seemed doubtful of capacity of League for dealing with question. He evidently hopes that His Majesty's Government will act energetically in the matter. He added that this action of French Government had come as a still greater shock to Spanish Government because latter had only recently concluded an arrangement with former for repayment of Spanish loan to France without requiring any compensation, on terms asked for by

France. It is clear that when this concession becomes known here, feeling against French Government will be very bitter, and I cannot but once more emphasise danger there appears to me for France of making this country permanently hostile to her, and difficulties that will arise for us from such a state of things. I venture to suggest therefore that occasion should be taken to represent this to French Government and endeavour to obtain settlement of port question by agreement. Our position in this case seems to be a very strong one, as I see from Sir H. White's despatch No. 149 of the 10th April, that in the matter of fishing concession granted by Shereefian Government to a Franco-Portuguese company "we protested, but accepted *fait accompli* stipulating that no further concessions were to be granted in Tangier zone, without previous consent of Corps diplomatique."

I venture to telegraph at such length, feeling sure that as stated above, King of Spain will certainly discuss question in London.

Spanish press have so far said very little on the subject, but Minister for Foreign Affairs told me that he had used his influence to keep them quiet.

[W 6613/790/28] No. 46.

Sir H. White to Earl Curzon.—(*Received June* 20.)

(No. 251.)
My Lord, *Tangier, June* 12, 1921.

I HAVE the honour to report that on the 5th instant, in the evening, the French agent enquired whether I had heard that the concession for the future port of Tangier had been granted, and, on my expressing my astonishment, he informed me that he had received a telegram from his Government saying that the matter had been arranged and the concession had been confirmed by a Shereefian dahir. M. de Carbonnel added that he had had no previous information on the subject, but had supposed that I had been informed, as Mr. Harris, the British director of the international company which had obtained the concession, had recently passed through Tangier and had gone to London, and as, according to the telegram he had received, the French Ambassador had spoken to your Lordship on the subject.

I expressed my extreme surprise at this news, as, though I was aware that the discussion between M. Malégarie and the international company was concluded and I presumed that an agreement had been arrived at, I did not see how there had been time for this scheme to have been submitted to the Governments concerned and approved. I could not, however, suppose that after my various conversations with him and with M. Malégarie and the letter I had addressed to him on the 21st July, 1919 (copy transmitted in my despatch No. 134 of the 22nd July, 1919), the concession could possibly have been granted by the Sultan without previous consultation with His Majesty's Government.

M. de Carbonnel observed that he had absolutely no information beyond the bare facts he had communicated to me, but he concluded from the fact that Count de Saint-Aulaire had spoken to your Lordship on the subject that the consent of His Majesty's Government to the grant of the concession had been obtained.

I have the honour to transmit herewith translation of a letter addressed to me on the 9th instant by the Sultan's representative communicating copies of the convention, "cahier des charges," plans and estimates for the port. I have endeavoured to obtain additional copies of these documents, but neither Sid Tazzi nor the French agency has any. In a private letter received from Mr. Harris he mentions that he had left copies of the papers at the Foreign Office and that Count de Saint-Aulaire had also handed copies to your Lordship. Should additional copies be required they could be most quickly obtained through the Embassy at Paris.

The Spanish agent called on me after the receipt of the letter from Sid Tazzi identic with that addressed to me. It was the first news he had received of the matter, his Government not having communicated with him on the subject. He was less excited about it than I had expected, but I gathered that, if the concession had been granted without the consent of his Government, there was little likelihood of their accepting it.

I enquired of my French colleague yesterday evening whether he had received any further information on the subject from Paris, but he assured me that he had received nothing but a short telegram of which he had already told me, and he appeared as much mystified as myself.

I understand that the news that the concession has been granted and that the work on the long desired port will soon be commenced has given great satisfaction at Tangier generally.

I have not yet had time to examine the contract closely, but the points that have struck me at first sight are the following:—

The very complete control secured to the Shereefian Government. The company is "international," that is to say, Great Britain and Spain each hold 20 per cent. of the original capital and another 10 per cent is assigned to Tangier. Germany hold 20 per cent., but it has not been possible to ascertain from the French Government what has become of that share I am inclined to believe that the international character of this company will be much the same as that of the State Bank. Under article 3 of the convention, the company can substitute for itself another company to whom it would pass the concession. There is no condition as to the nationality of the shareholders of that company. However, even if the company is to be really and effectively international, the Shereefian Government will, nevertheless, have a very complete control over the port. This is as it should be, if, on the establishment of an international régime at Tangier, the rights of the Shereefian Government in this respect are to pass to the municipality. Unfortunately, it can hardly be expected that the Shereefian Government will pass over those rights if it cannot at the same time pass on the corresponding obligations, and I do not see how the municipality will be able to assume responsibility for financial guarantee. In that case it may be presumed that the Shereefian Government will claim to retain the whole of the port. It is to be borne in mind that the colonial party in France have always attached great importance to the port of Tangier being under the complete control of France, whatever the régime introduced. With the port under the Makhzen, the customs and other revenues under the Dette marocaine, the railway also practically independent, there will be little left to the municipality.

So far as I can see there is no obligation on the part of the company to put up the works to tender. The first article of the convention stipulates that "les fournitures des matériaux importés ainsi que le matériel de l'exploitation feront l'objet d'appels à la concurrence," but I have not discovered any clause in the convention or "cahier des charges" requiring adjudication for the execution of the works unless article 33 of the "cahier des charges" can be read in that sense.

The concession is for a long term—till the end of 1999. There is, of course, the usual provision for buying out the company, but though the Shereefian Government might be able to do so it is very doubtful whether the financial position of the municipality would, for a long time at any rate, enable them to take advantage of this clause.

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 46.

The Sultan's Representative to Sir H. White.

(Translation.) *Tangier, June* 9, 1921.

I HAVE the pleasure to inform your Excellency that the Shereefian Makhzen has granted a concession for the port of Tangier to a company entitled "Société internationale pour le Développement de Tanger," a portion of the capital of which is English.

I enclose herein a copy of the said concession with its annexes in order that you may have cognisance thereof.*

May you, &c.
MOHAMMED TAZI.

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* Not printed

[W 6287/790/28] No. 47.

Sir E. Crowe to Count de Saint-Aulaire.

My dear Ambassador, *Foreign Office, June* 22, 1921.

YOU left with me some days ago a number of documents relating to plans for the development of the port of Tangier, among them being what is apparently the text of a concession which we learn from other quarters has recently been granted by the Sultan. These documents were accompanied by no written or verbal explanation on your Excellency's part.

We have been waiting in the belief that we should receive some communication from the French Government which would indicate precisely the object which they had in view in furnishing these documents; and we were encouraged in this belief by information received from our agent at Tangier, who, in the course of a telegram in answer to certain inquiries which we made of him, told us that, on expressing his surprise that the concession should have been granted without reference to the Diplomatic Body, his French colleague had replied that your Excellency was in communication with Lord Curzon on the subject.

My object, therefore, in writing now is to ask you whether your Government have anything to say to us on this matter before we proceed to a careful examination of its possibilities and of the circumstances in which, somewhat to our surprise, the international discussions which were interruped in 1914 by the outbreak of hostilities have resulted, so it seems, in the grant of a concession without further consultation among the Powers concerned. We cannot form a definite opinion until we have had time to examine the matter more closely than we have yet been able to do on the imperfect information at our disposal; but at first sight I confess to a strong doubt whether His Majesty's Government will consent to abide by a proceeding which appears to depart somewhat materially from the basis on which the discussions in 1914 took place.

Believe me, &c.
EYRE A. CROWE.

[W 6911/1968/28] No. 48.

Earl Curzon to Sir E. Howard (Madrid).

(No. 332.)

Sir, *Foreign Office, June* 24, 1921.

IN a conversation with the Spanish Ambassador this afternoon, the familiar ground as regards Tangier was once again traversed in its more recent manifestations.

I told the Ambassador that on the previous day I had strongly impressed upon the King of Spain the desirability of offering an asylum to the ex-Emperor Karl of Austria, who was being turned out of Switzerland in August, and who, unless he were removed to a safe distance, might easily be persuaded by his youthful and not too well balanced entourage to make another attempt upon the Hungarian throne. In all probability it would be as great a failure as the last, but these raids were very disturbing to the peace of Europe, and constituted an intolerable defiance of the Allied Powers. The best solution, therefore, was to place a considerable distance between the ex-Emperor and the probable scene of his exploits, and Spain, as a Catholic country, possessing close connections between the Habsburgs and its royal house, seemed to be eminently pointed out as an ideal asylum for the royal exile.

Neither the King nor the Ambassador expressed any opinion upon the subject, but the suggestion was in neither case met by a definite refusal.

Señor Merry del Val then revived the vexed questions of the police tabors in the Tangier zone and the water supply of Tangier,* and went on to expatiate at greater length upon the recent action of the French Government in respect of the development of the port of Tangier.

This, I said, was on a different footing of importance from the majority of the cases which we had so frequently discussed, because the grant of the concession for the port in the manner which was now proposed appeared to me to be a direct infringement of the treaty position, and to demand an earnest protest on international, as apart from local, grounds. The position, however, was this:—

The French Ambassador, in handing copies of the concession to the Foreign Office, had neither offered any explanation of them nor accompanied them by an oral

* See Chapter I (b).

defence. We had accordingly written to him to ask whether he had any communication to make on the subject, telling him, at the same time, that, so far as we were able to judge, the procedure adopted was quite inconsistent with the explicit understanding reached in 1914. Until we had received his reply I could not undertake to say what steps I might take.

The Ambassador wanted to know if he might telegraph to his Government that I would support them to the end in their resistance.

This, I replied, was far beyond anything that I could say at the present moment. It was open to him to say that if my first impressions turned out to be correct the step taken by the French was one which we certainly could not accept, and which we should feel it our duty to contest. Beyond that I could not go at the moment.

On the larger question of the increasingly troubled relations between the French and Spanish Governments over Tangier, the Ambassador suggested, at one moment, that the Spanish Government was suffering from following British advice.

This I at once repudiated. I was not concerned in any of these matters, except where British or international interests were involved. I was sorry to see the perpetuation of this disagreeable quarrel, and I had actually gone out of my way to offer my services towards bringing it to an end; but I declined to be told that I had any responsibility for the action which either France or Spain in these circumstances had felt tempted to take. The utmost that I could say was that an incident of this sort, if it developed into at all a considerable quarrel, might be used as one more argument in favour of a settlement by conference, and I should not be by any means averse to using this argument with M. Briand at a future stage; but my own impression was that M. Briand was the Angel who stood with the Flaming Sword before the gates of a Moroccan settlement.

The Spanish Ambassador then described to me the interview which had taken place earlier in the day between the King of Spain, Mr. Lloyd George and himself, and added that the suggestion had been made that I should join all three of them in a renewed discussion to-morrow morning.

This suggestion I asked leave to decline. The King had had an opportunity of stating his views both to the Prime Minister and to myself; they had been repeated to me by his Ambassador; both of them were perfectly familiar with mine. In these circumstances I did not see what advantage would be gained by a meeting of four to-morrow morning, at which the situation could only be restated, with no possible immediate result.

I subsequently informed the Prime Minister that I had arranged for the cancellation of the meeting—a solution which he received with no small relief.

I am, &c.

CURZON OF KEDLESTON.

[W 7021/790/28] No. 49.

Memorandum by Sir E. Crowe.

THE French Ambassador came to speak to me to-day on the subject of the concession given to an international company for the development of the port of Tangier, a subject on which I had, on the 22nd June, written to him to ask for some fuller information than was contained in the text of the concession which he had previously handed to me without comment.

M. de Saint-Aulaire began by explaining that he had not thought it necessary to repeat to me information which he was under the impression that Mr. Harris, the well-known "Times" correspondent at Tangier, who represented British interests in the company that obtained the concession, had communicated to this Office. I said that I understood that Mr. Harris had spoken to one of our officials, but it did not seem to me that this was quite the appropriate channel for conveying information of this kind to the Secretary of State. We certainly expected to receive from the French Government some explanation of the circumstances in which this concession had been granted. The Ambassador said that he thought that everything we wanted to know was really contained in the concession itself. He reminded me that the International Commission on which we were represented, and which had concluded its labours in Paris shortly after the outbreak of war, had definitely recommended the concession on the lines on which it had now been granted, and the French Government would be surprised to hear that we could possibly have any objections to the arrangement now completed. To

this I replied that the position was not so simple as the Ambassador apparently believed.

The international group to whom it was originally proposed to grant the concession for the construction of the port of Tangier, was the result of prolonged negotiations, in the course of which great stress was laid on the necessity of a fair measure of representation of each of the countries chiefly interested. At one time, the French Government had supported an arrangement in which British interests were so inadequately represented that His Majesty's Government had definitely refused to have anything to do with the matter. In the end, it was agreed that, in the company to be constituted, France should hold 30 per cent. of the shares, Great Britain, Spain and Germany each 20 per cent., Austria 3 per cent., and other Powers 7 per cent. It was on this basis that an agreement had been reached, and it was obvious that this element of representation in the company was an essential feature of the whole plan. The company to which the concession had now been granted rested on a totally different basis. What had happened was that under the Treaty of Versailles the French Government had liquidated the German and Austrian shares in the company, amounting to 23 per cent. of the whole, and transferred them apparently to the Moorish Government or in other words, to themselves. The result of this arrangement was that France now controlled 53 per cent. of the shares of the company: in fact, the complete control of the company passed into French hands. Not content with this, they had now included in the concession a clause by which it was open to the Moorish Government to acquire the whole of the property of the company within fifty years. Further, there was an intimate connection between the creation of a port of Tangier and the establishment of the International Municipality, which was to have been set up under the abortive Tripartite Agreement between Great Britain, France and Spain. A great many of the powers conferred under the concession on the Moorish Government ought in our opinion clearly to be in the hands of the Municipality of Tangier when created, and there should be definite provision in the concession that such powers would in due course pass to the Municipality.

And here, I said I must raise another serious objection. The report of the Commission on whose recommendation the French Government now purported to grant the concession distinctly stated that the plan of the concession would be submitted to the approval of the Diplomatic Corps at Tangier. It was regrettable that this essential recommendation of the Commission had been neglected. In the circumstances, I did not see how His Majesty's Government could be expected to give its approval to the concession now made.

The situation appeared all the more embarrassing as, so far as I could judge, the concession was a completed act, and whilst I expressed the hope that the French Government would see their way to meet the serious objections to which I had given expression, and to others which closer examination of the project might make it necessary for us to raise, I did not know by what procedure this end could be achieved. The Ambassador assured me that his Government had no idea that they had been doing anything which would not meet with our approval. They had certainly counted upon our ready acceptance of the claim, firstly because they believed it was in accordance with what was agreed upon in 1914, and secondly, because it certainly satisfied the representatives of the British group interested in the concession. If, however, His Majesty's Government attached serious importance to the points to which I called attention, he felt quite sure that no difficulty would be found in meeting them. He could not imagine that there would be any insuperable obstacles in the way of re-casting the division of the shares in the company, so as to secure proper representation.

As for the rights of the Municipality, it was of course impossible at the present moment to make any provision in respect of a body which did not exist. He saw, however, no objection to an agreement being made to the effect that as soon as the new Government of Tangier was set up, the necessary modifications would be made in the concession to meet the requirements of the situation so created. I said that I was grateful to hear that the Ambassador thought his Government would be ready to meet us on these points, although I confessed that I should have preferred to see such assurances put in a much more concrete shape, and above all that they should have preceded, instead of followed, the actual grant of the concession.

I asked M. de Saint-Aulaire whether he could make some definite proposals to cover the points I raised, and he promised to refer to his Government with a view to see what could be done.

Our conversation then drifted into a general discussion of the Tangier problem.

M. de Saint-Aulaire professed to deplore the impasse which had been reached, which he claimed was not the fault of his Government. They had repeatedly declared their readiness to discuss and settle the Tangier question. The only condition they made was that the negotiations should take place in Paris—a point on which it was impossible for them to give way, for reasons which he had on more than one previous occasion explained to me. But his Government was determined, pending the settlement of this question, to assert the authority of the Sultan over Tangier within the limits imposed by the existing Treaties. All that the Treaties demanded was that a special régime should be established at Tangier. The Sultan was prepared to do this. But the French Government could not allow the Sultan's authority over Tangier to be questioned, as the Treaties definitely recognised the French protectorate over the whole of the Sultan's territory. M. de Saint-Aulaire continued on the lines of his usual polemics against the attitude of Spain in Morocco, especially during the war, and the absurdity of the British Government placing their ally France, and Spain, who had behaved with such disloyalty during the war, upon the same footing; but he still hoped that means would be found by which the British and French Governments would arrive at a complete understanding as to their wishes in regard to Tangier. He felt sure that the French Government would meet us on every point in which our interests were involved, which he took mainly to be the defence of the Straits and British trade. He could not understand why we should not be willing to discuss these matters with France without necessarily bringing the Spaniards into the discussion at the very beginning. Whilst France and Great Britain practically stood for the same objects in Morocco, we knew that Spain held out for something which was incompatible with the Treaties, and would, in view of the notorious incapacity of the Spaniards, lead to nothing but disorder and confusion. So long as Spain maintained her present uncompromising attitude, France could only reply by standing on her Treaty rights and M. de Saint-Aulaire was careful to point out, not for the first time, that these Treaty rights did not include the internationalisation of Tangier. I asked M. de Saint-Aulaire to remember the very peculiar position in which we stood as regards the internationalisation of Tangier, and deprecated the attitude of his Government of trying to minimise, if not to repudiate, the honourable obligation under which we conceive the French Government to be to arrange for the internationalisation of Tangier.

Although I have on previous occasions more than once explained to the Ambassador where we stood in this respect, he seemed still to misconceive the real position, which I therefore proceeded once more to explain, and which I think might well be re-stated in a letter to him which I propose to write, and of which I attach a draft. The facts are that the French Government have explicitly recognised ever since 1912 that France is bound to carry out internationalisation by negotiations which she entered into with Great Britain and Spain. When in 1914 it became a question of our recognising the protectorate of France over Morocco in return for the French recognition of our protectorate over Egypt, we informed the French Government that we had to defer proceeding with this arrangement on the ground that no agreement about the future of Tangier had yet been reached, although this had been made a condition of the British acceptance of the Franco-German Convention. Yielding to renewed and pressing French representations, we did, in December, 1914, grant recognition of the French protectorate over Morocco, but in communicating this decision to the French Government, we explicitly stated that in doing so His Majesty's Government relied on the early signature of the Tangier Agreement, which had meanwhile been negotiated and which was then in practically its final state. In replying to this communication, the French Government at the time informed us that since they had accepted the latest British amendments to the proposed Tangier Agreement, its signature was only dependent on Spanish acceptance. It was an unfortunate fact that the Spanish signature was never obtained, but this did not in our opinion cancel the obligation of the French Government to proceed with the internationalisation of Tangier, in accordance with their repeated and solemn assurances.

M. de Saint-Aulaire is not a very good listener, and I never feel quite certain how far he really takes in what I say to him. But I believe on this occasion he convinced himself that there was something in our arguments which could not be lightly put aside, and I had the impression that he would use his best efforts in Paris to promote a settlement of this vexed question in some way not incompatible with our interests.

E. A. C.

June 27, 1921.

[**W 7121/790/28**]

No. 50.

Sir E. Crowe to Count de Saint-Aulaire.

Foreign Office, June 29, 1921.

My dear Ambassador,

THERE were two points in our conversation yesterday on which I have since refreshed my memory by referring to the documents in this Office, and I think it may be useful if I state the result.

1. As regards the intervention of the Diplomatic Corps at Tangier in the matter of the harbour concession, allow me to quote the following passage which occurs in one of the opening paragraphs of the report of the commission :—

> "Il était entendu que, si le projet en question était jugé acceptable, il serait soumis à l'approbation du Corps diplomatique accrédité au Maroc par les soins des représentants des quatre Puissances, et que la concession serait demandée à Sa Hautesse chérifienne en faveur de la Société internationale."

2. You will remember my uncertainty as to whether the understanding that Tangier was to be internationalised was connected with our formal recognition of the French protectorate or with the withdrawal of the British consular jurisdiction in Morocco. I find on reference to the papers that I was right in associating the internationalisation question with the recognition of the protectorate. Let me first quote a passage from a memorandum communicated to us by the French Chargé d'Affaires of the time on the 27th August, 1912, from which you will see how definite was the engagement entered into by the French Government towards the British and the Spanish Governments that Tangier would in fact be internationalised :—

> "La France a toujours été disposée à installer à Tanger un régime international, et sa conduite même démontra qu'elle a constamment voulu exécuter ses engagements à cet égard; le Gouvernement de la République n'a aucune visée particulière sur Tanger; il n'y recherche aucun privilège et aucun avantage d'aucune sorte; sa seule préoccupation est de ne se prêter qu'à la création d'un organisme viable dans lequel la France n'aura pas d'autres droits que ceux des autres Puissances . . . .
>
> "Le Gouvernement de la République n'entend pas assimiler l'organisation de Tanger à une simple mesure de réorganisation analogue à celle que le Sultan pourrait poursuivre avec le concours de France dans tout autre port marocain, mais il maintient qu'il n'a assumé le devoir d'internationaliser ou de neutraliser Tanger envers aucune des autres Puissances . . . . la Grande-Bretagne et l'Espagne exceptées."

This being the situation, the British Government, when the question of recognising the French protectorate in return for the French recognition of the British protectorate in Egypt came up, declared that this measure must be postponed on the ground that no agreement had been reached concerning the future of Tangier, although this had been made a condition of the British acceptance of the French protectorate. It was after this that the negotiations at Madrid and London finally led to the conclusion of the Tripartite Agreement respecting Tangier between Great Britain, France and Spain. At the end of 1914 the French Government finally accepted the last amendments which the British Government put forward concerning the draft of the Tripartite Agreement, and nothing remained but the signature of the instrument, which at that time was not expected to meet with any difficulties on the part of Spain. It was with express reference to this situation that the British Government agreed to the French protectorate over Morocco. In December 1914 the British Ambassador in Paris, in conveying this decision, formally declared that in giving their assent His Majesty's Government relied on the early signature of the Tangier Agreement.

I think you will agree that we have just ground for maintaining that the internationalisation of Tangier is not a matter which the French Government can put aside on the ground that there is no formally signed treaty which obliges them to give effect to it. We continue to hold that there is, to say the least, an honourable understanding and moral obligation to carry out what was undoubtedly meant to be a condition implied in our acceptance of the French protectorate over Morocco.

Believe me, &c.

EYRE A. CROWE.

[W 6237/790/28] No. 51.

Foreign Office to Board of Trade.

Sir, *Foreign Office, June 30, 1921.*

IT will be within the recollection of the Board of Trade that as a sequel to discussions between the Powers an international commission, on which Captain Frederick, a Board of Trade official, was the British representative, was appointed in the spring of 1914 to study plans for the development of the port of Tangier, and in particular to consider proposals which had been submitted by a syndicate called the "International Company for the Development of the Port of Tangier." The report of this commission, which was presented a few days before the outbreak of war, and consequently remained a dead letter, recommended that a concession should be granted to the above-named company, and suggested that the requirements of articles 106–108 of the Act of Algeciras providing for open competition should be considered to be fulfilled by the international character of the concessionnaire company. It was understood that the concession should be submitted for approval by the Diplomatic Body or the future municipality of Tangier.

2. As the Board will remember, His Majesty's Government had withheld their approval of earlier syndicates on the ground of insufficient British participation, and it was only on the share capital of the international company being distributed to their satisfaction that they had signified their willingness to consider its proposals. When the commission was appointed, the proportional holdings in the company were as follows:—

	Per Cent.
France	30
Great Britain	20
Germany	20
Spain	20
Austria	3
Other Powers	7

3. Owing to the war the matter remained in abeyance, and it was not until the summer of 1919 that His Majesty's agent and consul-general at Tangier reported that the French were apparently intending to proceed with it. Sir H. White was at once instructed to report developments, and was informed that His Majesty's Government expected that no final action would be taken by the authorities in Morocco without the knowledge and consent of the British and Spanish Governments. Subsequently attempts were made, but without success, to ascertain how the directorate intended to dispose of the ex-enemy shares in the company.

4. It was consequently with considerable surprise that the Secretary of State received a recent telegram* from Sir H. White stating that the concession had been granted by the Sultan to the International Company. About the same time Mr. Walter Harris, the remaining British director (Mr. Norton having retired), called at the Foreign Office and explained that the company had been re-formed, that the capital was to be increased, and that the ex-German and ex-Austrian shares had been transferred to a group representing the Shereefian Government in return for a guarantee of the interest on bonds amounting to 35,000,000 fr. to be issued by the company. This was followed by the communication on the part of the French Ambassador of a copy† of the concession and other documents, unaccompanied, however, by any written or verbal explanation, and shortly after that by the receipt of a note‡ from the Spanish Ambassador inviting His Majesty's Government to join them in a vigorous protest against the irregularity of these proceedings. Copies of the above-mentioned documents are enclosed herewith, together with copies of a further telegram§ and despatch‖ from Sir H. White, and of a memorandum¶ prepared in this Department detailing the early history of the case.

5. Assuming that the Shereefian group would be controlled by the French, as it undoubtedly would, the Board will observe that 53 per cent. of the capital of the company as reconstituted would either be in French hands or under French influence. Moreover, the terms of the concession confer on the company extensive rights and powers of a municipal character, and the option of buying out the company at any time

* See No. 42.
§ See No. 43.
† Not printed.
‖ See No. 46.
‡ See No. 41.
¶ See No. 44.

after fifteen years is reserved to the Shereefian Government. Taking all these facts into consideration, it would seem as if the French Government were manœuvring to obtain virtual control of Tangier, and so to prejudge the question of its future status, the early solution of which is increasingly desirable in view of the state of constant friction which now prevails between the French and Spanish authorities in Morocco, and may lead from one day to another to serious international complications.

6. That the Spanish Government take a very serious view is shown by the terms of Señor Merry-del Val's note and by the language held by the King of Spain in a recent conversation with the Secretary of State. It remains for His Majesty's Government to decide how far and on what precise grounds they should support the Spanish protest. Both on treaty grounds and in virtue of the understanding in 1914 that no concession would actually be granted without previous reference to the Diplomatic Body, the other Powers concerned are clearly entitled to decline to be bound by the proceedings which have led to the grant of the concession. It is possible that the French Government, in defence of these proceedings, may point to the fact that it was the British representative on the 1914 commission who initiated the suggestion that the formality of public adjudication be dispensed with; that does not, however, excuse the failure to obtain the approval of the Diplomatic Body at Tangier, and, even if it did, the situation has been completely altered by the manner in which the ex-enemy shares have been transferred without the knowledge of the other Governments concerned.

7. The only official action yet taken has been the address to the French Ambassador of a semi-official note,* of which a copy is enclosed, enquiring whether the French Government have any communication to make in explanation of the documents left by his Excellency. The Ambassador will no doubt in due course communicate, in reply, the views of his Government. Meanwhile certain semi-official communications,† oral and written, have passed between him and the Permanent Under-Secretary of State which have been recorded in the papers, of which copies are attached hereto. Before proceeding any further Lord Curzon would be glad to have the views of the Board of Trade, and he would be grateful for an early reply, as the Spanish Government are already exhibiting some impatience to learn the decision of His Majesty's Government.

I am, &c.
R. H. CAMPBELL.

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* See No. 47 † See Nos. 49 and 50.

Chapter IV.—Claims of British Subjects and Protégés in the Spanish Zone.

[See also Chapter V, No. 58, p. 79, 8th and following paragraphs.]

[W 3921/353/28] No. 52.

Señor Merry del Val to Earl Curzon.—(*Received April* 12.)

(Translation.)

My Lord, *Spanish Embassy, London, April* 7, 1921.

IN the course of the conversation which I had the honour of holding with your Excellency on the 28th of last month you were kind enough to give expression to the desire felt by the Government of His Britannic Majesty of seeing a rapid and favourable answer being given to the complaints now pending with the Spanish authorities in Tetuan regarding the expropriation for military purpose of certain properties situated in the vicinity of that city belonging to the British subject, Sidi Abdelkader Erzini.

I have not neglected to transmit your Excellency's observations to the Minister of State without delay.

According to the information I had just received from the Marquis de Lema, the Government of His Majesty the King, my august Sovereign, recognise that His Britannic Majesty's Government have cause of complaint in the excessive delay which has taken place in the decision regarding the said complaints, a delay which, however, is due in great part to the interested person, as if it had not been for his excessive and increasing claims the matter could have been decided much earlier.

His Catholic Majesty's Government consider that their conduct in this matter has, up to the present, been in conformity with legality, as strictly speaking complaints of this nature ought to be treated by the usual jurisdiction in the matter of expropriation for reasons of public utility. This opinion is in agreement also with that expressed by His Britannic Majesty's Ambassador in Madrid, Sir Arthur Hardinge, when on the 28th October, 1918, he formulated the original complaint in the name of Erzini with the Minister of State in view of the delays suffered in Tetuan.

In spite of the above-mentioned proceedings being in conformity with the rules laid down by the Shereefian Government in the zone of the Spanish protectorate, the Government of His Majesty the King of Spain, recognising that the fact of so much time having passed without the matter having been decided by means of the ordinary jurisdiction it might produce a bad effect on the Government of His Britannic Majesty if at the present time the decision in such lawsuits were dependent on the usual procedures, has decided to shorten the same and to entrust the definitive examination and judgment of the case to a special commission, and in order to make any fresh delay impossible has fixed the period of one month for the commission to deliver its judgment. The intervention of the British vice-consul in the work of this commission, which is already assured by the same expropriation regulation ruling in the zone so as to guarantee the mediation of the foreign consular representatives in matters referring to the estimate of the price to be paid for the properties to be expropriated, when these belong to subjects of or persons protected by a foreign country, will be effective and extensive and his knowledge of the course of the proceedings will be at all times complete.

The Government of His Majesty the King, my august Sovereign, are of the opinion that this decision will offer a clear proof to the eyes of that of Great Britain of their good-will and of their determined intention that the solution of the matter of Erzini's complaints shall not be continued to be delayed any longer. Moreover, they consider that the British Government really have cause for annoyance regarding this affair on account of the excessive delay, for which, as has already been indicated, the Administration of the protectorate is not entirely responsible

As soon as the commission appointed for the study and decision of Erzini's claims have concluded their mission, His Majesty's Government will place the sums at the disposal of Sidi Abdelkader Erzini, at which, by means of the indispensable formalities and guarantees, the properties have been estimated, the ownership of which has been properly proved by the person interested and which have been occupied by the Shereefian and Spanish Administrations.

His Catholic Majesty's Government do not doubt but that your Excellency will be satisfied by this solution of the matter, which should give satisfaction to all the parties interested.

I take this opportunity &c,

ALFONSO MERRY DEL VAL.

[W 5141/353/28] No. 53.

Señor Merry del Val to Earl Curzon.—(*Received May* 12.)

(Translation.)

My Lord, *Spanish Embassy, London, May* 7, 1921.

I HAVE the honour to transmit to your Lordship the assessment of the indemnity which the special commission formed for the purpose considers to be due to the British protected person named Sid Abd-el-Kader Er Rzini, for occupation of land belonging to him in the town of Tetuan and its environs.

The documents on which this assessment is based reached me during the afternoon of the 1st instant, and the necessity for me to become acquainted with their contents is the reason why they were not forwarded to your Lordship before to-day. This explanation appears to be necessary in view of the fact that the Government of His Majesty the King, my august Sovereign, had arranged that the commission was to complete its labours (begun on the 17th March last) on the 17th April, 1921, which task was punctually fulfilled notwithstanding the time required for measuring the land, collecting and attesting documents relating to the matter, and the consequent correspondence with other bodies.

The commission was composed of his Excellency Diego Saavedra y Magdalena, Envoy Extraordinary and Minister Plenipotentiary (Chairman); Lieutenant-Colonel Francisco Gomez Galiag, of the Army Juridical Department; consul of the second class José Call y Torres (attached to the Legal Department of the Ministry of State); and Captain Luis Franco (Military Engineers).

The documents in which these officials have set forth their views, and of which I have the honour to transmit copies herewith,* are:—

Four reports referring to claims by Sid Abd-el-Kader Er Rzini and to the plots of land respectively known as Aghattas (Artillery quarter), Akiba-el-Merra (Infantry quarter) Dokm-el-Yezira (Aerodrome) and Alberca ben Karrich† (Mehalla quarter); a collection of four plans in connection with the four properties referred to, and lastly, a copy of the conclusions arrived at by the commission in view of the information laid before it.

The commission at once recognised that Sid Abd-el-Kader Er Rzini has suffered serious damage by the occupation, owing to military reasons and superior necessity, of his properties referred to above without having received any indemnity in respect thereof up to the present, although not denying that up to a certain point the interested party had himself delayed the settlement of his resultant claims by his mode of action and by his excessive pretensions, which hindered the prompt acceptance of his demands. Therefore the commission not only endeavoured to comply with the dictates of justice and equity in arriving at its decisions, but was inspired by the wish to act consistently in a manner both amply generous and favourable to the claimant. Thus it was that—although there had been taken as basis for valuation of the land belonging to Er Rzini the price thereof at the date of occupation, which the claimant himself took as point of departure for the calculation of interest accruing upon the capital value claimed—the commission deemed it well to increase the same in consideration of increased value since that date (both with regard to interest and charges), doubling and afterwards trebling the original figure in its award.

The generous spirit actuating the commission is also proved by the fact that Er Rzini neither disagreed with nor protested against the measurements of the various properties forming the object of his claims, which measurements were made by experts appointed for the commission and for the claimant equally, assisted by the latter or by a representative and by the owners of adjoining land.

As your Lordship will note on reading the attached copy of the conclusions of the commission, the latter has estimated the indemnity justly due to Sid Abd-el-Kader Er Rzini to be 200,249·95 pesetas. At the same time, and in accordance with what is set forth in report No. 1 (Aghattas or Artillery quarter) and report No. 2 (Akiba-el-Merra),

* Enclosures not printed.

† Given as "Berka Bencarrich" on original plan. (Translator).

the commission recommends that out of this sum there should now be paid to the claimant the amount of 77,248·65 pesetas, the balance being deposited with the Spanish High Commission at Tetuan until such time as Sid Abd-el-Kader Er Rzini shall have proved his right of total or partial ownership of the two plots of land in question.

On its part the Government of His Majesty the King, my august Sovereign, instructs me to inform your Lordship of the following, on its behalf:—

1. The Government of His Majesty the King of Spain accepts in their entirety the conclusions arrived at by the special commission, with the exception of the conclusion referring to Alberca de Ben Karrich. With regard to this case, the Government considers it necessary to ask for further information explaining the reasons why this property should be taxed at a lower rate (20 pesetas), *i.e.*, that quoted in the sale contracts of the adjoining plots. The Government admits in principle the idea of raising the valuation for this plot only among the plots included in the four claims put forward by Er Rzini, as being situated in a more central part of the suburbs of Tetuan and thus having perhaps a relatively greater value.

2. Notwithstanding the indications of the special commission, the Government of His Catholic Majesty, in its wish to demonstrate the extent of its consideration for that of His Britannic Majesty and the generosity of its attitude towards the claimant, is ready to place immediately at the disposal of the protected person, Sid Abd-el-Kader Er Rzini, the total sum of 200,249·95 pesetas (at which sum the said commission estimated the value of the four properties referred to above), without waiting for proof of his entire ownership of the whole of two of them. This sum will be paid to Er Rzini direct or through the intermediary of whatever person may be appointed by your Lordship, without prejudice, however, to any increased payment which may later on be agreed with regard to the Alberca ben Karrich property.

3. The Government of His Majesty the King, my august Sovereign, is well aware of the great difference existing between the valuation made by the special commission in regard to the land belonging to Sid Abd-el-Kader Er Rzini and the value which the latter ascribed to them, which discrepancy cannot at first blush fail to astonish your Lordship. My Government therefore considers itself bound to point out that, even making allowances for the exaggeration which is usually met with in all claims whereever put forward, the claims of Er Rzini must not be judged by European standards, but in accordance with the surroundings responsible for these claims, common to all colonial countries and all nations of Oriental origin, and more particularly Morocco, where it is notorious that the presentation of claims has been elevated to a fine art, in view of the inducement of fabulous results offered by practices which are usual and traditional. But the extremely exorbitant sum claimed by Er Rzini must not be attributed solely to an inveterate custom of the country, nor to a spontaneous idea on the part of the claimant, but probably also to the influence of other elements interested in establishing a precedent for a series of similar claims on behalf of foreigners, of Spaniards, or of natives. It is for His Majesty's Government and also for the administration of the Spanish zone protectorate to avert this danger, not only because of its immediate ruinous economic consequences, but also for reasons of political order in general—it being conjectured almost with certainty (to judge from ample experience) that if the value of property in those places is raised in such a fantastic manner there will be presented for legalisation real or imaginary transfers of property in favour of persons who are the subjects of or protected by foreign nations, with the object of exploiting the Califan Majzen unjustly. In view of this prospect the Government of His Catholic Majesty believes that the offer made above not only concurs with the demands of justice and equity, but also attains the bounds of generosity and prudence.

In order that your Lordship might be able to form an exact idea of the number of claims currently made in Morocco, and of the difference between the compensation actually granted in respect thereof, I have the honour to transmit herewith a list of the indemnities claimed and of those awarded by the ordinary Claims Commission of Tetuan, both with regard to Spanish and to foreign subjects.

4. I have drawn the attention of the Government of His Majesty the King, my august Sovereign, and consider it my duty to draw your Lordship's attention to the fact that in none of the four cases in question did Sid Abd-el-Kader Er Rzini produce property titles in accordance with the Chraa legislation, but only "mulkias," which are declarations made before witnesses of repute. Your Lordship is only too well aware of the legislation in force in Morocco and of the unstable nature of the laws concerning property in that country, whic is precisely due to the use of the "mulkia" (a precarious title exposed to cancellation by any other similar title), and will therefore

understand the lack of a solid foundation in respect of the rights claimed by Er Rzini. The legal deficiencies of the "mulkia" have been illustrated and made plain in many publications, and particularly in those written by Spanish and French specialists in Moroccan affairs, and it is therefore unnecessary to dwell on this aspect of the question, unless for the purpose of pointing out the generosity which has taken no advantage of deficiencies in regard to these four claims, nor of the essential defects of one of these same certificates and of the possible disputing of Er Rzini's exclusive right to two of the properties referred to.

5. Finally, I beg to point out to your Lordship (in the same manner as was done by the commission) the small and generally insignificant original value of the land which has given rise to the four claims. By the occupation thereof Sid Abd-el-Kader Er Rzini has not lost the use of costly buildings, nor the exploitation of productive industries, nor yet the enjoyment of costly urban and suburban property, but merely the right of disposal (and not the ownership) of various barren fields or unhealthy spots unsuitable for building over owing to lack of European sanitation, and more adapted to taxation by the hectare as agricultural land of inferior quality than by the metre and square foot. They were occupied with his consent and on payment of rental, and have yielded an income which he could not have dreamt of receiving before the Spanish protectorate was established, and he is now sure of prompt payment of a sum larger than the real value of land which was formerly unsaleable.

In these circumstances the Government of His Catholic Majesty believes—in which belief I beg to concur—that Sid Abd-el-Kader Er Rzini will accept the findings of a commission specially appointed for the purpose of considering his claims, and formed of well-known lawyers who have carried out their task with all possible impartiality, scrupulousness and sincerity.

I have only to add, on behalf of the Government of His Majesty the King, my august Sovereign, that the other British claims now pending will be decided shortly by that Government or by the administration of the Spanish zone of the Moroccan Protectorate.

I take, &c.
ALFONSO MERRY DEL VAL.

[**W 6162/184/28**] No. 54.

Sir H. White to Earl Curzon.—(Received June 7.)

(No. 227.)

My Lord, *Tangier, May 26, 1921.*

WITH reference to your Lordship's despatch No. 108 of the 18th April, enclosing a translation of a note addressed to your Lordship by the Spanish Ambassador, I have the honour to state that I transmitted a copy of that note to Mr. Atkinson for any observations which he might have to make thereon, and I beg to forward herewith a copy of his reply.

I am in entire agreement with the remarks made by Mr. Atkinson and more especially with those portions in which he deals with Sid Abdelqader Er-Rzini's request for expropriation under the "règlement" drawn up under article 114 of the Act of Algeciras, the fact that no declaration of public utility has ever been made concerning his properties in question and the absence of any intervention on the part of either the claimant himself or of His Majesty's vice-consul in any of the proceedings of the Special Commission appointed to deal with these matters.

With regard to the penultimate paragraph of Señor Merry del Val's note, I would submit that, unless the sum allotted is reasonable and is accepted by Sid Er-Rzini, he is in no way bound by any decision arrived at by a commission on an *ex parte* basis, and that he would be justly entitled to insist on expropriation under the Act of Algeciras.

The Tetuan despatch referred to by Mr. Atkinson on the sixth page formed the enclosure to my despatch No. 182 of the 13th September, 1919, and that on the eighth page was transmitted under my despatch No. 259 of the 19th November, 1919.

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 54.

Vice-Consul Atkinson to Mr. Clark Kerr.

(No. 95. Confidential.)

Sir, *Tetuan, May* 18, 1921.

I HAVE the honour to acknowledge the receipt of your despatch No. 67 of the 10th instant, received this morning, and to reply *seriatim* to the various statements made by the Spanish Ambassador in London in his note of the 7th ultimo, a copy of which was enclosed therewith.

Paragraph 3: Reasons of delay in settling claims. Nothing could be farther from the truth than the allegations contained in this paragraph. I can only conclude that the Marquis de Lema has been wilfully misled by his subordinates. It is difficult to understand how Sid Abdelqader Er-Rzini's claims could be considered as excessive—so excessive indeed as to warrant not only no attempt being made to treat with the five British consular officers who have been at Tetuan in the last eight years, but also the unusual behaviour of the representatives of the Spanish administration during all this time until the arrival of the new secretary-general, Señor Saavedra, and an entirely fresh staff wrought a change, at least to the extent of acknowledging the receipt of communications and a more polite and conciliatory tone in conversation and notes connected with our claims. I repeat that it is difficult to understand how Sid Abdelqader's claims could be considered excessive for, with one or two altogether insignificant exceptions, no figures were mentioned at any time in connection with these claims until the spring of 1920 when a set of memoranda, based on those contained in my despatch No. 167 of the 15th November, 1919, were transmitted to Madrid. At any rate I must observe that in no case has a higher price been demanded for land near the town than has been paid in its near vicinity. It is true that my predecessor, Captain Ewart, in February 1914 brought to the notice of the Spanish authorities the claim of Sid Abdelqader Er-Rzini to have a rent fixed in respect of his properties seized in the "ensanche" and for the aviation ground. No sum, however, was mentioned. The question of rent and purchase was raised on subsequent occasions, but owing to the obstinate refusal of the Spanish authorities to write in reply to communications or to make any statement in conversation implying willingness to treat the question, actual amounts to be paid were never discussed. It is true that on one or two occasions Spanish officers, accompanied by a well-known German native agent as interpreter, and on one other by a certain Manuel Ferrer who was exiled to Alcazar Kebir at the request of Sir A. Hardinge in view of his pro-German propaganda made vague attempts to find out Sid Abdelqader's views behind my back. He naturally in view of the personality of the media employed refused to be led into any discussion.

This excuse is merely the substitute for the old allegation, finally disposed of last year, that our claimants caused delays by refusing to produce their documents. As regards landed property these had already been submitted through this vice-consulate and the Grand Vizier in the early days of the occupation.

There is a simple remedy, however, if indeed Sid Abdelqader's claims are exaggerated—a reference to arbitration. This arbitration might be arranged in the following manner, *i.e.*, that each side appoint an expert in the matter concerned —architecture, agriculture, cattle values, &c., and that, in case of disagreement, a third expert be nominated by the Corps diplomatique at Tangier. Such arbitration should, however, include all British claims—especially the commission claims. In the despatch of His Majesty's Ambassador at Madrid, No. 414 of the 25th June, 1920, it was stated that the High Commissioner had given assurances that our Commission claims would be settled by the autumn "when the weather was cooler." The heat of the weather has never interfered with the functioning of the commission in the case of unprotected natives. My predecessor was informed privately last summer by the head of the commission that our claims were all decided as far as he was concerned, and had been handed over to the delegation for native affairs which in connection with the secretary-general and High Commissioner is now the power behind the throne. There was too much money to be used for rewarding spies and others—not to mention perquisites for matters to be left in the hands of the commission. In this connection see your despatch to the Foreign Office No. 462 of the 18th September, 1920. The information given by the president was confirmed at least in part by the secretary-general as reported in my despatch No. 181, Confidential, of the 16th November. It is obvious that our commission claims are being deliberately held up. It is, I am sure, hoped to effect a settlement of three or four claims of Er-Rzini and then announce the commission awards in the hope

that their exiguity will escape close scrutinising, thanks to the atmosphere created. This would be most unfair to our other claimants. Indeed the more I consider the Spanish Ambassador's note and the previous negotiations here and elsewhere the more convinced I am that the Spaniards hope to stave off all the rest of our claims by settling these four of Er-Rzini—one of which, the Berka Ben Qarrish, is a mere trifle. It should be remembered that there are over forty British claims to be dealt with.

As regards the increasing nature of Sid Abdelqader's claims I can only surmise that Señor Merry del Val expresses the pious conviction that had the victims of pillage and robbery refrained from complaining regarding ulterior claims their anterior claims would have been settled. Apart from the absurdity and inverisimilitude of such a contention there arises the ticklish question of determining the just proportions of these two categories. Had the claims been settled as they arose; had less offensive sabre-rattling and bullying been indulged in by the authorities, the land claims no doubt could have been settled at their inception with a considerable economy in interest at least, probably also in capital. Were Spanish soldiers and officers not permitted to loot to their hearts' content when on "military operations" a number of claims would not have arisen at all. Considering that nothing is paid, apart from the dole in respect of the 1913 events paid by the Claims Commission, to unprotected natives who are robbed every day of the year the Spanish authorities should realise that, in paying our subjects and protégés, they are probably not liquidating a hundredth per cent. of their moral obligations.

Paragraph 4: It is peculiarly unfortunate that the Spanish Government should have been induced by entirely erroneous information to make a categorical statement of this nature. Nothing could be more opposed to all legality than the manner in which not only our subjects and protégés, but those of other nations as well as unprotected natives, have been stripped of their lands.

When the Spaniards occupied Tetuan in 1913 and up till the 17th March, 1917, the only method of expropriation was that founded on the Act of Algeciras. Was any attempt made to expropriate any one in accordance with that Act? None. On the 17th March, 1917, a "règlement" for the Spanish zone was promulgated. With its wide series of works to be excepted from the usual formalities, *i.e.*, roads, railways, ports, navigation or irrigation canals, military works, urbanisation ("ensanche") and interior reforms of towns, public works executed by the Makhzen (*i.e.*, everything done in this zone) it reads when compared especially with the Algeciras Act "règlement," more like a land-jumper's *vade-mecum* than a serious instrument. Such as it is, however, it has been found far cheaper as a general rule simply to take land. The trouble, of course, arises when one or more of the sufferers has foreign protection.

However, the Spanish Government's advisers have overlooked two facts, which, singly or jointly, vitiate their affirmations. The first is that by an unfortunate omission our acceptance of this "règlement" of theirs was neither asked for nor obtained. It is to be presumed that it would never have been granted at any rate. The second is that the "règlement" could not be held to apply to, or whitewash illegal actions committed years before its promulgation. In other words it is not and cannot be retroactive nor does one single word in it attempt to make it so. It is, therefore, permissible to ask how the Spanish Government justifies its opinion concerning the legality of its actions.

Furthermore, in my despatch No. 123, Very Confidential, of the 27th August, 1919, I transmitted to His Majesty's agency the gist of two interviews with two highly placed functionaries in this zone, one of whom, the Crown prosecutor, showed me in strict confidence the legal opinion given by him to the High Commissioner in which he stated that the Khalifian "Règlement" of 1917 could not be made retroactive and was not legally applicable to any case whatsoever which had occurred before its promulgation. Apart from this the Spanish Government has unfortunately overlooked the fact that on the 7th December, 1918, in note No. 80, I was requested by the acting secretary-general on the orders of the Acting High Commissioner, Señor Pla, to obtain a statement from Sid Abdelqader Er-Rzini as to whether he opted for the Khalifian Zone "Règlement" of expropriation or that founded on the Act of Algeciras. Sid Abdelqader chose the latter and the decision was communicated to the secretary on the 12th February, 1919. On the 25th February, a request was sent by this vice-consulate that it be notified of the date on which the declaration of public utility, indispensable preliminary to the fixing of the value of the sites, might be made. Copies of both these documents were transmitted to the secretary-general on the 2nd June of the same year in response to a note No. 38

of the 23rd May, in which Señor Pla excused his failure to proceed in the settlement of a claim on the grounds of our protégé having not yet notified his decision regarding the expropriation procedure to be adopted.

I have no doubt that Sir Arthur Hardinge in his note of the 28th October, 1918, referred to expropriation in accordance with existing jurisdiction. I am equally certain that it was in consequence of that note that I was requested to obtain an expression of Sid Abdelqader's choice of procedure. I would be surprised if it were found that Sir Arthur Hardinge had asked for expropriation under the Khalifian "Règlement." As for the procedure under the Act of Algeciras our protégé is, I am sure, as willing to stand by his choice as ever if necessary: it offers every reasonable guarantee.

Again is it legal to lease a property for two years at the end of which, as stated in the lease, it is to be returned to its owner, and then proceed to build permanent barracks, turn a deaf ear to all reminders and remain in occupation indefinitely?

I think not and yet this has been done by the Spanish authorities in the case of Er-Rzini's artillery barracks claim, cf., my despatch No. 169 of the 16th November, 1919. It has been also done to other people luckier than those whose land was merely appropriated. The site of the military hospital in the town was similarly obtained from Sidi El-Hassan Ben Raisson—an American protégé. I am merely discussing the legal aspect of the case since the Spanish Government asserts the legality of its actions up to the present.

To turn to paragraph 5, the special commission, I would remark, firstly, that its judgment, so I am assured by Señor Saavedra himself, was delivered and sent to Madrid on the 17th April. His words to me were that he and his fellow workers had proposed what they held to be a generous solution, but that there was nothing to prevent the Government increasing the amount of the offer which would be made.

I must state that my only intervention in regard to this commission has been to act as mouthpiece of the commission to request the presence of Er-Rzini or his representatives for purposes of determining as far as the present state of the sites permits the areas actually occupied. My presence was not requested on these occasions nor did I seek to impose it as I did not wish to expose myself to a rebuff. I also considered that we would thus be in a stronger position if it came later on to calling in question the exactitude of the measurements taken or the correctness of the procedure of the members of the commission. These gentlemen, or rather their representatives for the most part, have behaved altogether in a very nonchalant manner. In the case of the aviation ground Sid Abdelqader Er-Rzini sent down two native lawyers to take note of the proceedings and measurements taken. On their asking the names of the Spanish representatives they were rudely told that there was no need for their services and that they were to retire at once.

I have no inkling of what results were arrived at by measurements nor of the import of any deliberation of the commission. At the time when the Spanish Ambassador wrote his note the commission, appointed by Real Orden of the 10th February, had already exceeded its time limit of a month, and was merely awaiting a declaration from Sid Abdelqader Er-Rzini whether he wished to maintain or reduce any of his claims. You will remember that he made one considerable reduction as reported in my despatch No. 73 of the 17th ultimo.

However, on the assumption that the Spanish Ambassador is not *au courant* of the legislation in the Spanish zone, I am convinced that he will be the first to recognise that nothing could be less effective to guarantee the rights of British claimants than the intervention of the British vice-consul as laid down in the Spanish zone expropriation regulation supposing even that we had been so naïf as to apply its provisions retroactively or in any way to British ressortissants. The only mention of foreign intervention occurs in article 4 where it is stated that "the notification and handing over of the documents showing the valuations assigned must be done in the case of protégés of countries still in the enjoyment of the régime of the capitulations through the mediation of their respective consuls. That is all. This being so the only intervention of the British vice-consul could have been that of messenger between Sid Abdelqader Er-Rzini and the Commissioner to request his presence at measurements, &c. No discussion of any kind has taken place with either Er-Rzini or his representatives.

In view of this the last statement of the Spanish Ambassador that the commission will place at the disposal of the claimant whatever sum it has decided to award him loses any shred of value it might, in other circumstances, conceivably have had.

In effect after eight years' delays and doublings the offer is now made by the

Spaniards that one chosen British claimant shall blindly submit a fraction of his claims to the judgment of a Spanish Court or Star Chamber from whose verdict there is to be no appeal and this grotesque offer is put forward with an air of condescension and magnanimity which, it appears to me, argues a lack of appreciation of what is due in the special circumstances of the case to the reasoned representations and remonstrances of His Majesty's Government.

I have, &c.
C. R. B. ATKINSON.

[**W 6751/353/28**] No. 55.

Sir H. White to Earl Curzon.—(*Received June* 22.)

(No. 250.)
My Lord, *Tangier, June* 12, 1921.

WITH reference to your Lordship's despatch No. 137 of the 13th May, I have the honour to transmit to your Lordship herewith a copy of a despatch which I have received from His Majesty's vice-consul at Tetuan, with enclosures, on the subject of the compensation offered by the commission appointed to consider certain claims of Sid Abdelqader-er-Rzini.

As this despatch has only reached me in time for inclusion in this bag, I regret that it is impossible for me to make any observations upon its contents. These observations will be forwarded to your Lordship by the next bag.

(Copy sent to Madrid.)

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 55.

Vice-Consul Atkinson to Sir H. White.

(No. 103.)
Sir, *Tetuan, June* 9, 1921.

I HAVE the honour to acknowledge the receipt of your despatch No. 73 of the 30th ultimo, containing a copy of a despatch from the Foreign Office covering a note from the Spanish Ambassador in London transmitted with the findings of the special commission appointed to examine four of Sid Abdelqader-er-Rzini's claims. My despatch No. 95 of the 18th instant deals fully with the unwarranted statements that the delay in dealing with our claims was imputable to the claimant's own attitude.

I have consulted Sid Abdelqader-er-Rzini, and the gist of his reply is as follows:—

1. He cannot admit the principle of valuation as from any period other than that when the intention to expropriate was manifested. The erection of what are commonly termed permanent buildings, *i.e.*, of masonry with solid foundations, cannot be taken as implying the intention on the part of the Spanish authorities finally to expropriate. In support of this he quotes the case of the property of another British protégé, Sid Allal-el-Khatib, at Sidi Bou Hajil, which was seized and held for years, being covered with buildings of the most solid description, including a tower, officers' quarters, &c. Yet this fort has now apparently been abandoned, though no notification thereof has been made to the claimant and no payment of rent made by the military authorities. The matter is fully dealt with in my despatch No. 167 of the 15th November, 1919, amongst other British claims.

2. He cannot admit that the valuations placed on his property, even if not held to include compensation as they are, represent by any means necessarily what that property was worth at the date of its seizure.

3. He has not claimed interest on the capital values assigned by him as from the date of the occupation of the property, but on the arrears of rents claimed. This is obvious from the perusal of his claims. As such interest of 7 per cent. simple would increase the amount of his claims by over 50 per cent., and at compound interest almost double them, the Spanish authorities, on recognising their error, will doubtless modify their judgment as to the extreme exaggeration of his claims.

4. He is willing to submit to neutral expert legal opinion the question of the legality of his standpoint regarding the date as from which the value of his land

has to be fixed, always bearing in mind the fact that he opted for expropriation under the Act of Algeciras when asked to opt in December 1918. Once that cardinal point is settled, the question of the rents, and interest thereon, capital value, &c., can be profitably discussed.

5. He would also be eventually willing when the valuation date for his property is settled to submit to the decision of a mixed Anglo-Spanish Commission, on which both nations would be equally represented.

6. Should this be considered impracticable he is willing, after the accomplishment of the same legal formalities, to submit his case to the arbitration of an impartial neutral commission.

7. While recognising that by raising legal quibbles and indulging in pettifoggery either directly or by encouraging the heirs of El-Hassar to litigate some trouble and inconvenience might be caused to him possibly by the Spanish Administration, he is prepared to face the issue of an action with equanimity and expresses his surprise that, if indeed such grave doubts are entertained regarding his rights, the proposal be seriously made that the Government of Spain should invite that of His Britannic Majesty to join in compounding a felony.

I agree with these views, more especially the last. It is obvious that a threat is made to cause trouble and litigation, for which there is no apparently satisfactory ground.

Other remarks on Señor Merry del Val's note which occur to me are the following:—

Firstly.—Pages 4 and 5 (3), *et seq.* Señor Merry del Val refers to the fabulous results to be obtained by presenting exaggerated claims, thanks to practices which are usual and traditional. If this means anything at all, it must mean either that Señor Merry del Val still imagines that Morocco is as it was, more or less, and that the members of the commission, who, he forgets, are his own compatriots, might be expected to divide the spoils or that I myself as an unscrupulous European look forward to doing so. I think he should explain his meaning, for this is not the first time that Señor Merry del Val has thrown out hints of my unpleasant characteristics, either, I believe, at the Foreign Office or to private individuals, who have subsequently on visiting Tetuan reported his remarks to me.

Secondly.—The ownership of urban property in Tetuan is far too well known for the practices referred to to have been possible on an extensive scale, even in pre-occupation days. It is not to be believed that the Spanish Administration is so inefficient and ill-trained that it would be deceived by the type of forgery or transfer referred to, even supposing the Qadi were venal enough to connive at those bogus transactions.

Thirdly.—The real fear obsessing the Spanish authorities is that they will be obliged by the precedent set up to settle a claim for an extensive and excellently-situated site within the town, leased for two years from an American protégé, on which, in spite of the terms of the lease, a military hospital has been constructed and in respect of which the authorities refuse to come to terms. The fact of the Spanish Government alleging fear of extensive transfers in favour of foreigners taking place is, on the face of it, a proof of their own general failure to come to terms with unprotected claimants during the last eight years.

Fourthly.—The question of the mulkias has already been dealt with. As confessed by the Habous Administration in one of the enclosures to Señor Merry del Val's note, the archives of that institution were destroyed during the Spanish occupation in 1860. A similar fate overtook nearly all movable property, documents and goods during the same time when the town was evacuated by the Moors and systematically gutted by the invaders, the very beams and rafters of houses being used for firewood, while everything of value was looted. Therefore, the use of the mulkias is widely spread in this district. If there are any claimants to these properties they have only to show themselves.

Fifthly.—Page 6 (5) (A). It is not possible to describe as barren agricultural land of insignificant value that which with the exception of the aviation ground at the time of its occupation even fell within the area on which it had been officially decided that the European town be built. (B). Only one of these pieces of land was occupied in any manner such as could be described as with the consent of the owners and on only one of them has ever any rent whatsoever been paid. The whole of this paragraph is either tendacious or not in accordance with proven facts.

Sixthly.—You are aware from past correspondence of the composition of the

commission. To describe it as formed by well-known lawyers is misleading. Colonel Galiai is a common-or-garden lieutenant-colonel of the Military Juridical Department, who only came to Tetuan for a day at a time to be present at measurements and to discuss the legal aspect of the case from the Spanish point of view and who has no real knowledge of Morocco. M. José Call is a second-class consul, the equivalent of a British vice-consul of a year's standing and upwards, who was called in at the end to act as a dummy in place of Señor Villas y Villareal, to whose presence very proper objections were raised. Captain Luis Franco, I presume, attended mainly to show the boundaries of the various areas occupied by the military and help in drawing up plans. As regards Señor Saavedra, the secretary-general, I must say that, with all his peculiarities, he is a gentleman in his methods of procedure and one for whom I have, with all our differences of opinion, a very genuine liking and respect. He is obviously anxious to remove as far as possible the bad impression made upon His Majesty's Government by Spanish methods in this zone, but one man cannot move a mountain. His actuation in the present case has certainly, in view of his many pressing occupations, been reduced to hearing the views expressed by the others and acquiescing therein more or less.

Finally, I have the honour to turn to what no doubt the Spanish Ambassador considers to be a trump card—the findings of the General Claims Commission, within the scope of whose labours, be it once more and, let us hope, finally observed, the kind of claim of Er-Rzini's now under examination could never have fallen by any possible manner of means.

The question of the awards made by this commission and the manner in which they were distributed formed the subject of despatch No. 462 of the 18th September, 1920, from His Majesty's Chargé d'Affaires to the Foreign Office, and previous despatches from this vice-consulate, have in past years dealt with the system followed by the commission.

Obviously, many gross exaggerations of claims took place. It was the duty of the commission to determine these and give the guilty party a lesson instead of using the money at its disposal as a kind of supplementary secret service fund for rewarding spies and Spanish and native functionaries. It is easy enough to reduce claims in paying natives—

1. If the total number of fruit trees, vines, &c., claimed to be destroyed is, on principle, as I was told confidentially by a former member of the commission, divided by three, and a few pesetas awarded per tree without distinction of age, size, &c.

2. If, instead of from two to four years' loss of crops, only one is paid, and that in all probability greatly reduced.

3. If country houses bombarded, destroyed utterly or in part, damaged and pillaged by troops, are paid for with a few dollars instead of the sums claimed or a reasonable proportion.

4. If cattle are paid for, when the claim is admitted at all, at 30 dollars Hassani per head in the majority of cases.

But such reductions and such awards will not be just.

In the matter of exaggeration the Spanish, who formed perhaps 1 per cent. of the population at the time of the disturbances, do not lag behind the Moors, and with less reason, for the Moors were property holders of carefully-tended country estates and farms. 635,000 pesetas Spanish are claimed by two lots of claimants who are probably goatherds. The president of the commission told me with amusement of the case of one woman, widow of a goatherd, who claimed 500,000 pesetas, if I am not mistaken, in respect of the loss of her husband's services. The commission, with the best will in the world, could not put itself in her position, and perforce reckoned them at less worth.

It is to be noted that the list of indemnities awarded transmitted is (*a*) incomplete, and (*b*) in at least one case inaccurate. I have looked in vain for the names of various Spanish functionaries and native agents referred to in the enclosure to His Majesty's Chargé d'Affaires' despatch, and according to the list in the "Boletín Oficial," Captain Brunet, a former member of the French consulate, was awarded the magnificent sum of 160 pesetas Hassani, not Spanish, in respect of a stolen horse, and, I believe, saddlery and other property as well.

It is well known that the commission adopted as fixed principle never to exceed a small percentage of the sums claimed in making awards. In the case of friends this is easily managed by instructing them to increase the sum claimed by ten or

twenty times. The secretary-general himself, in conversation with me lately, as I reported at the time, lamented " the spirit of exaggerated economy " in which claims had been dealt with, and stated that he quite understood the refusal of certain claimants to accept the awards made. He specifically referred to the case of some British protégés, by whom it was obvious that he meant the Abrisha family of orphans who are wards of Sid Abdelqader-er-Rzini. I am sure that Señor Merry del Val will agree that grosser injustice could not have been inflicted than that meted out to these persons. Herewith is transmitted a statement of their claims in respect of the total destruction of one large country house and the almost equally irreparable damage done to three others, loss of crops, destruction of valuable fruit trees and other damage. The total sum claimed was 62,915 pesetas Hassani. This taking the very favourable exchange of 30 pesetas Hassani to the *l.*—it is more like 40 now—equals slightly over 2,000*l.* The award made under No. 544 and refused is 7,150 pesetas Hassani or about 260*l.* The accompanying photographs give a faint idea of the damage done, which I am sure that not 2,000*l.*, but 10,000*l.* would prove barely adequate to repair.*

Another case is that of Sidi Mohammed Bil Mekki-er-Raisuni, photographs of one of whose gardens and the ruined house therein are transmitted.* His total claim comes to 200,000 pesetas Hassani odd, and he was awarded 2,000 pesetas Hassani, which he has refused to accept so far. His expenses in preparing his documents alone came to some 500 pesetas. His claim, especially that part relating to the pillage of his property in the Alksar district, was, as were most natives' claims, supported by experts' calculations of damage done and by sworn evidence. These experts, in valuing house property, certainly gave very inadequate figures. I understand that they were admonished by the Spanish authorities before commencing their labours. In regard to the statement transmitted herewith, even allowing for the reduction of the value of crops claimed from for four to one year—a considerable concession—this man might have been awarded easily at least 50,000 or 60,000 pesetas.

A third case is that of the estate of Hadji Abderrahman Abrisha, of whose ruined and roofless country houses two photographs are transmitted herewith.* A total claim was made of 12,000 dollars Hassani, or 2,000*l.* on the favourable exchange basis quoted above. I understand that 1,100 dollars Hassani are to be awarded, or 180*l.* The claim includes the destruction of trees, loss of crops, and further damage.

A fourth case is that of Mohammad Ben Mohammed Ed-Dellero, a photograph of whose ruined house is transmitted.* A total of 60,000 pesetas Hassani was claimed in respect of it, and other losses of cattle, crops and property, and an award of 8,000 pesetas Hassani was made.

A fifth case is that of Ahmed ben El-Mefli (No. 928), a photograph of whose roofless and gutted house is transmitted herewith.* It should be borne in mind that in nearly every case the windows of these Moorish houses were guarded by handsome wrought-iron gratings, which in themselves represent a considerable sum of money. The house had in front of it a fine tesselated courtyard, and at the back an avenue of beautiful trees, most of which, as well as a number of olive and fruit trees, were destroyed. The sum claimed for this, and possibly other losses, was the inadequate one of 23,525 pesetas Hassani, that awarded 1,875 or 60*l.* (about 40*l.* at present rates).

Almost next door stands the house of Mohammed ben Abdullah En-Nejar, a Spanish favourite, who received 15,000 pesetas Hassani. That may not represent all his losses, but it is about nine times as much as his neighbour, Bel Mefli, received.

I am prepared, if necessary, to continue this list, but I am certain that the cases quoted will be sufficient to demonstrate to His Majesty's Government the impossibility of placing any faith in the justice alleged to inspire the findings of the General Claims Commission. I trust that means will be found to bring the cases I have quoted to the notice of the Spanish Ambassador, and that justice may be done, thanks to his intervention. The cases of Bel Mefli and the Oulad Abrisha are particularly deserving. The latter, even if paid in full, will be quite inadequate compensation.

In case our own claimants be lost sight of, I have the honour to transmit herewith also sets of photographs showing the damage done to the country houses of Sid Abdelqader-er-Rzini and Sid Allal-el-Khatib.* I do this in view of the last paragraph of Señor Merry del Val's despatch, in which it is announced that other British claims are shortly to be dealt with. I am as convinced as ever that the intention of the Spanish authorities, who are probably under the impression that

* Not reproduced.

their offers regarding Er-Rzini's claims will be accepted with pleasure by the despised and venal native, is to profit by the favourable impression created by the settlement to rush through our other claims. As reported by me some months ago, the secretary-general gave me to understand that at least one British claimant awarded under the General Claims Commission was being held up. I guessed that it was Er-Rzini's, and he himself the other day informed me that he had heard a rumour to the same effect.

In replying to the Spanish Ambassador, I have the honour to observe that it would be perhaps inadvisable to send him copies of the maps transmitted by me in the accompanying memoranda.* As already stated, they were acquired privately by me, and though really they contain nothing secret, they are not obtainable by the general public. I will try in the meantime to obtain further originals in an avowable manner, and in that case I will inform you in order that action be taken accordingly.

I have, &c.
C. R. B. ATKINSON.

Enclosures in Mr. Atkinson's Despatch.

(1.)

Oulad Abrisha Claim.

Ghersa de Kitsan or of the Shorfa—

	Dollars.	
Buildings utterly destroyed	4,300	
Hedge	150	
75 fruit trees at 5 dollars	375	
Door 40 dollars and crop 250 dollars ...	290	
		5,115
Sania d'Es-Sultan—		
New house	2,200	
House near by (not photographed; single storied)	600	
Hedge and door (60 dollars)	660	
212 trees at 4 dollars	848	
Crop	370	
		4,578
Ghersats Aveir—		
Hedge	100	
Door	30	
30 trees at 6 dollars	180	
Crop	75	
		385
Janan Esh-Sorby—		
Repairs required to building	1,600	
Hedge and door (40 dollars)	440	
64 trees at 5 dollars	320	
Crops from trees and ground	150	
		2,510
	Total	12,588

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* Not reproduced.

(2.)

Sidi Mohammed Bel Mekki-er-Raisuni.

	Dollars.	
Janan del M'hannesh—		
House	1,000	
Trees, 36 at 5 dollars	180	
Hedge and door (40 dollars)	190	
Crops for four years	240	
		1,610
Ghersats Kitsan—		
Hedge and door (30 dollars)	130	
Trees, 49 at 5 dollars	245	
Crops, four years	200	
		575
Ghersats Aidwa—		
Ground crops	220	220
Azib Ghar bou Fas (Gharbia)—		
4 masonry huts	400	
8 wattle and daub huts	200	
4 straw stacks	100	
Wheat in store (stolen by Spanish native police), 4 sohfas at 5 dollars mudd (price now 8–10 dollars)	1,200	
Dra 4 sohfas at 4 dollars	960	
Crops from 12 zoujas of ploughland at rate of 1 sohfa (60 mudds) of wheat for zouja four years	14,400	
		17,260
Azib Ash-Showouta (Beni M'Sawar)—		
1 cow	100	
1 bull	100	
1 mule	150	
1 donkey	60	
Straw stacks	150	
	560	
Beehives	100	
Crops 70 sohfas Zra, Shaeer (El Bekri) and Dra (second crops) in four years from 5 zoujas	19,900	
		20,560
Total		40.225

Note.—One souja in Gharbia equals about 90 maraja, *i.e.*, 63,000 square metres.

(3.)

CLAIMS UNSETTLED IN SPANISH ZONE.

Aqiba del Merra or Er Rzini Barracks.

First of all it is to be observed that the plan submitted by the commission is not in conformity with the boundaries agreed upon by the neighbours of Er-Rzini on the 28th March. I have interviewed the persons in question. They are Sid Mohammed Ben Marzooq, Nadir of the Habous, the Shereef Sidi-el-Hadji Mohammed-el-Moribto and the Fqih El-Qattan. These three persons, whom I saw separately and questioned most searchingly assured me that they gave as the northern boundary of the Aqiba del Merra property the line of the present Tangier road from a stone well known to form its eastern boundary to a rocky eminence, which overlooks the spot at which

the Tangier road debouches from the *Ensanche*. The Fqih El Qattan accompanied me to the spot for greater precision. Evidence is being prepared to that effect.

The commission produces, instead of the boundaries shown by Er Rzini's representatives and the neighbours, the latter of whom it may be safely assured are not likely to prejudice themselves in their declarations, what it is pleased to term an official plan. It is to be presumed that this "official plan" purports to be based upon that made by the late Captain Osinaga on or shortly before the occupation of the town by the Spanish troops. It must be observed, however, that Captain Osinaga's plan cannot be considered by Sid Abdelqader-er-Rzini as binding him officially, for he never expressed or was invited to express his concurrence therewith. Even so this plan is far more favourable to him than that produced by the commission. I was able to obtain privately during the war a copy of this map, which was sent home in my despatch No. 50, Secret, of the 22nd February, 1919. Copies of the area concerned are transmitted herewith,* and by superposition it is easy to see how different they are to the "official plan" of the commission.

The Tangier road runs practically where it did except that it has been cut deeper. In Captain Osinaga's day it had been straddled out, as can be noted by people going to a smaller road running south and branching south-west, but this never prevented Sid Abdelqader-er-Rzini's real boundary being the rocky eminence already referred to. This makes the area of the property to be considerably greater than that stated by the commission and also of greater potential value, seeing that were the latter's plan to be adopted the property would lose the whole of the frontage on the street for 168 metres by as much as 30 metres in depth—a powerful argument against the attribution to the hinterland of a high value if the Spanish authorities are finally obliged to expropriate the whole.

Herewith is transmitted a photograph of the plan made by native surveyors in 1914.* It agrees substantially with Captain Osinaga's plan with the exception of one stupid yet comprehensible mistake. The length of the northern boundary (Tangier road) is put at 148 metres instead of 168. I spoke to Sid El Hassan Afailal, who made the plan, and the explanation appears to be that the 20 metres deep wedge of Habous land, which appears in the top right-hand corner, was deducted from the total length on some mistaken basis of calculation such as may readily be understood in the case of persons having no knowledge of mathematics or geometry.

At any rate the boundaries of the property are those agreed to by the real interested parties, the neighbours and Sid Abdelqader-er-Rzini. It is to be noted that the commission did not submit the plans made by it to Er Rzini for approval or comparison so that it is impossible for the statement to be made that there was perfect agreement. Besides, it was easy for the commission to arrange that there should be no protest made if outwardly the claimants' statements and evidence were accepted, after which a directly conflicting plan was prepared. I must, however, expressly absolve the secretary-general from any blame in this connection. The person responsible is obviously the municipal architect, Señor Ovilo, who, no doubt, acted with the best intention possible according to his lights.

2. *Quality of the Land.*—While not asserting that the soil of the Ras Aquiba del Merra property was anything but of poor quality and admitting that the rocky patch to the north never was cultivated, Sid Abdelqader-er-Rzini informs me that the rest of the property was most certainly cultivated when judged necessary and by dint of manuring and irrigation from one of the irrigating channels which passed through Aghattas gave passable crops. It was his practice generally to lend this field to the Governor of the town. Among recent beneficiaries were Beni Aish and Selawi. He asserts that a standing crop of millet was actually destroyed by the Spanish troops when serious fighting commenced some months after the occupation of Tetuan. He adds that the present condition of the land, from which the whole of the surface has either been removed expressly by levelling and road-making or has been worn away by the passage of men and animals, waggons, &c., during the last eight years is by no means indicative of its former state. Anyone who has seen the effect produced by the presence on land of a camp even for a few months will comprehend this fact.

3. It is not clear what is meant by the "real Ensanche" referred to. The official plans thereof, of which copies, reduced to a scale of 1/2,500, are transmitted herewith,* show clearly that Er Rzini's property is entirely included therein. The fact of so much of the quarter having been seized and built over haphazard by the

* Not reproduced.

military, and the concomitant dirt, dust and lack of sanitation, have been largely instrumental in retarding the development of the new town.

From the above-mentioned plans, showing the approximate area covered by military hutments, &c., it will be plainly understood why there can have been no sales of land in that part of the Ensanche in the last seven years. There is, however, a whole block of houses constructed on the very edge of the area occupied, that of Señor Escriña, the site for which was purchased in June 1917 at the minimum rate of 25 pesetas Spanish, rising finally to 32·50 per square metre, on the system explained in my despatch No. 71 of the 14th April. This block of buildings (No. 28) is about 250 metres from the land on which the Er Rzini barracks are built.

4. *Value of Land.*—The commission determines the value of the estate by taking as basis value the price paid by the Oliva Building Society to an old unprotected Moor named El Labbady in 1913. The facts of the case are that Labbady, seeing the way things were being done and property being seized on the excuse of military necessity, was only too glad to sell cheap to the above-mentioned society, which expected to be able to exert enough influence to extract a handsome profit from the deal. Er Rzini points out, and with reason, that if land in the new town situated some 250 metres from his was sold in 1917 for 32·50 pesetas Spanish per metre, his land must be worth considerably more than the sum of 6·048 pesetas per metre. He remarks also that at the present time the Spanish authorities are contemplating the erection of an episcopal palace, church, school, mission, &c., in the Ensanche to the south of block 28., *i.e.*, on the outer edge of the Ensanche, and that the price to be paid on the land bought is 25 pesetas per metre. As, however, Oliva Building Society, the vendors, are making a present to the Makhzen of an additional 900 square metres, the actual price paid on the total area is about 20 pesetas Spanish. For the purpose in hand 25 pesetas is the price to keep in view.

He remarks, further, his land, as admitted by the commission, was occupied in 1914, that the basic values of the year 1913 cannot therefore be admitted, and that at the period when his land was occupied the site of the new town had been decided on and consequently had ceased to be liable to valuation as anything but urban property. A series of regulations dated the 14th April, 1914, laying down certain procedures to be followed by would-be builders, &c., was published in the "Boletín Oficial" of the 10th May, 1914.

Finally, he calls attention to the purchases of land made outside the limits of the old or new towns previously to the Spanish occupation or previously to the seizure of his property. One case in point is the purchase two months after the occupation on April 1913 by Messrs. I. and D. Cohen of land below the Remous gate at 4·04 pesetas Spanish per metre. It was not till 1916 that added value was given to that site by the construction of the railway terminus in its vicinity. Other examples of even higher prices paid before the Spanish occupation can be quoted in respect of lands farther away. It should be noted that when finally the Spanish authorities decided in 1917 to expropriate holders of land near the station they valued it at 1 peseta plus 3 per cent. in the most favourable instances that came to my knowledge, 80, 60 and even 30 centimes being also offered for land in the vicinity. This gives an insight into their ideas of values.

These considerations receive added force from the statements made to me on the order of the late High Commissioner by the secretariat-general in a note of the 29th November, 1916. In this note an offer was made to exchange His Majesty's Government's rights over the old custom house in Rio Martin for a piece of land on the site where it had been originally intended to erect the civil hospital. The following is a translation of an extract from the note, a copy of which was originally sent to you in my despatch No. 133 of the 30th November, 1916:—

"The Ministry of State . . . . has accepted the formula proposed by his Excellency the High Commissioner, which consists in offering to the British Government a parcel of land in the Ensanche of Tetuan on the site where it was originally intended to erect the civil hospital.

"The situation of this spot is eminently suited for the construction of a consular house, which would have a splendid view towards the mountains of Beni Hosmar, Kitsan and the whole course of the river Martin, besides being much nearer the centre of the town than that occupied by the old custom house of Rio Martin.

"As the square metre can be reckoned at about 1 peseta, a very low valuation, seeing that in the centre of the Ensanche lands have been sold for as much as 80 pesetas (per square metre), the 500 metres offered to the British Government are worth 3,500 pesetas, far more than the 1,500 to 2,000 pesetas which the apartment

in the upper story of the old custom house at Martin claimed by His Majesty's Government could be worth at maximum prices . . . ."

The site in question is below the Er Rzini property on a piece of Makhzen land on the escarpment of the outer edge of the Ensanche, so that, as a matter of fact, it would appear not to be within its boundaries at all, or partially so at best. This was confirmed to me to-day in conversation with the municipal architect, Señor Ovilo.

I agree with the statement made on the orders of the late High Commissioner, for land has been sold outside the Ensanche for a higher price than that, and I am the more surprised that an offer of a fraction over 6 pesetas per metre for land within the Ensanche, within a few minutes' walk of sites sold from 25 to 80 pesetas per metre, should be held now to be so generous, especially when it is taken into consideration that this offer is intended to cover rent due and damages and loss for the last eight years.

It is a matter for decision as to whether it would be opportune to draw attention to this letter now instead rather of relying upon other arguments and leaving it for a last resort.

5. *Oliva Building Society Expropriation.*—This society was expropriated at the rate of 8·068 pesetas per metre by a sentence dictated by the Supreme Court of Tetuan on the 6th October, 1919. The commission does not see its way even to offer this inadequate compensation to Er Rzini for certain reasons which I deal with *seriatim*:—

(1.) The argument that this company received special treatment because it speculated in lands at a time when the commission is pleased to state that no one knew whether the Spanish protectorate would be consolidated is surely the weakest of defences. It is not to be admitted either that the Spanish Government ever was seriously afraid of being obliged to withdraw before the handful of undisciplined natives opposed to their troops. Besides, had such an event taken place, another Power, England or France, would most certainly have stepped into the breach. This, far from being a loss, would have been a most unmixed blessing for all owners of land in the neighbourhood of towns. You are, of course, aware of the hundreds of francs per square metre paid for land in the neighbourhood and in towns in the French zone or even in Tangier, a comparatively few kilometres from here—a town which, as is constantly asseverated in the Spanish, French and a section of the British press, is groaning under the evils of a so-called international régime.

(2.) *Loss of Capital, &c.*—The society purchased land wholesale as a speculation, and has effected sales at prices ranging as high as 65·33 pesetas per metre, as you can observe by consulting one of the lists transmitted by me in my despatch No. 45 of the 21st March, 1920. This implies very handsome profits indeed. It appears to me that it could afford to be expropriated at the low price paid by the Government, and that is the line, I understand, invariably taken in dealing with the cases of speculators in land. The wording of the sentence of the Supreme Court of Tetuan is mere verbiage and opposed to both commonsense and common practice. Er Rzini is not a speculator, has not got scores of thousands of metres of valuable urban land remaining for him to sell. Indeed, he has none, and the story of the ruinous losses he has suffered in respect of his country estates and cattle is too well known to need repetition. It must be observed also that the Oliva Building Society voluntarily submitted to be expropriated under the Spanish Zone Expropriation "Règlement" of March 1917. That was the fatal mistake made by it under the impression that this act of docility would lead to better treatment and also because it was naturally believed by the directors of the society that values would be reckoned as from the date of the declaration of public utility, *i.e.*, the determination to expropriate, which was only made by the Spanish High Commissioner in 1916, as I understand. Having got the society into their power the Spanish authorities proceeded to do what they liked with it.

The case of Er Rzini is totally different. He applied in February 1914 through His Majesty's vice-consul for a rent to be paid during such time as this property should remain in the occupation of the Spanish troops. Nothing could have been easier than for the Spanish authorities to have replied that they intended expropriating him and doing so. On the other hand, if, as suggested by the commission, they were uncertain of being able to maintain themselves in Morocco, they were in honesty bound to make a contract fixing an equitable rental for a period renewable or not as might be agreed upon. They did neither, but covered a considerable part of the estate with permanent buildings of every description.

It was not till December of 1918 that the Spanish authorities, by asking our protégé which expropriation procedure he chose—that founded on the Act of Algeciras or that elaborated by the zone authorities—the intention to expropriate could be inferred by any manner of means. Therefore the very earliest date for fixing the value of Er Rzini's occupied lands is December 1918, and that too by favour, for the formalities required under the Act of Algeciras have not yet been complied with.

Attention is drawn also to a municipal regulation of this year imposing a tax of 20 centimos per square metre of unbuilt-over land up to the limits of the Campamento General, *i.e.*, 2,000 pesetas per hectare per annum. This shows the conception held by the municipal authorities of the value of land for it to be considered fitting, and no doubt with reason, that it should bear this gravamen. Is it logical to suppose that land on the other side of the line, within the new town, should be naturally worth so little in comparison?

The commission proposes to expropriate merely the space belonging to Er Rzini inside the barracks and a small piece more and dismisses the small masonry built town constructed and under construction on a considerable part of the estate and the surrounding lands as mere temporary sheds ("barracones") which can be removed any time the claimant desires. The permanent character of these buildings, which form the Campamento General, can be appreciated from the photographs transmitted herewith and the small map already referred to.* Even if the buildings were removed—a most unlikely proceeding—Er Rzini could do nothing with his land situated as it is between the parapet, the barracks and the camp, covered by roads and paths and hemmed in by the huts already referred to. He has, I consider, a perfect right to demand total expropriation.

It should be noted that no offer is made to pay any rent or compensation, past or future, for the property outside the barracks themselves.

Ownership of the Property.—The commission endeavours to make capital out of the fact of Er Rzini's mulkia, stating that he pays 5 bilyuns Hassani per annum to the Habous, and seeks to convey the impression, through the communication of the Habous administration, which is under the control of the Native Affairs Department, that (1) the British claimant is attempting to annex a Mosque Habous property, and (2) that he contemplates defrauding the heirs of the late Abdeselam-el-Hassar of their inheritances.

I brought the facts to the notice of Sid Abdelqader-er-Rzini, and he at once answered that the property was entailed in accordance with the testamentary depositions of his grandfather—in fact, exactly as is explained by the Native Affairs Department for purposes of general information at the end of its communication. El Hassar died childless, and, consequently, the property lapsed to the Er Rzini family, the widow and collaterals of El Hassar having neither part nor lot therein.

The payment to the Habous of a total of 10 bilyuns Hassani (about 1*s.* 6*d.*) on the whole property was made in accordance with the will of Sid Abdelqader-er-Rzini's and El Hassar's grandfather when he entailed the property. Such bequests are commonly made and do not confer any rights on the Habous Administration beyond the amount in question. As the Spanish Administration, by seizing the property, has forcibly alienated it in violation of the provisions of the will it would seem but natural that they should assume the obligations towards the Habous formerly voluntarily contracted by the Er Rzini and Hassar families.

As it is extremely doubtful that the will of Sid Abdelqader-er-Rzini's grandfather is still in existence it would be advisable merely to state to the Spanish authorities that this is an entailed property which pays a pious legacy of 10 bilyuns yearly to the Habous, which obligation will no doubt be assumed by the Spanish military authorities. The question of the interest of the heirs of El Hassar in the estate is one between them and Sid Abdelqader-er-Rzini, and there is nothing to prevent them appealing to Shraa if they consider that their interests are in any way affected. El Hassar has now been dead for three years, the inheritance has been divided and no attempt at an action has been made by the other heirs of El Hassar—an uncle on the male side and the widow. The Spanish authorities must be aware that his foreign protection could not save Sid Abdelqader-er-Rzini from appearing before Shraa if attacked.

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* Not reproduced.

(4.)

Er Rzini Barracks: Ras Aqiba del Merra.

By permission of the Khalifa of the Qadi, his witnesses went, in company with experts in the matter concerned and who are usually consulted at the port of Tetuan, and they are Sid Mohammed-el-Fezari, and Sid Mohammed Ash-Ash and Sid Mohammed at-Tob, to examine a field belonging to Sid Abdelqader-er-Rzini at Bab Et-Tuts at Ras Aqibats-el-Merra, bounded by the main road and a lane, and Torres and Moribts and the Habus-el-Kebir. They inspected it and went round all its boundaries and measured it by metre in the presence of Sid Abdelqader-el-Labbady, between whose property and Sid Abdelqader-er-Rzini was the road, and he, the former, agreed to the boundaries, for the road has disappeared and there is no trace of it left. They found on the side of the Habous 20 metres, and then 11 metres, and on the side of the Tangier road 148 metres, and on the side of the lane 107 metres, and as for Torres, 16, then 35 metres, and as for Moribts, 148, and on the side of the road to the south 21½ metres, and on the side of the road between Sid Abdelqader-er-Rzini and El Labbady 267 metres. This will only be made clear by the making of a plan, which is on the reverse of the document. Those who were appointed for the above-mentioned purpose took down these details from the above-mentioned experts. Their evidence was taken down at the beginning of Rabi II, 1332. The Habous-el-Kebir was represented and the son of Moribts when the measurements took place, and the aforementioned measurements were agreed to.

Signature of Adool: AHMED AFAILAL.
Signature of Khalifa of Qadi: HADJI HASSAN AFAILAL.

(5.)

Berka de Ben Qarrish.

The arguments brought forward by the commission in this case are similar to those advanced in the case of the Er Rzini Barracks or Ras Aqiba del Merra, viz., that the basic value is what the property was worth when it was seized. The same countervailing arguments are applicable. The Spanish authorities proceeded *ultra vires* in seizing the property, contrary to both spirit and letter of the Act of Algeciras, the only expropriation instrument in force at the time, and opposed an obstinate silence, broken only by a mere formal acknowledgment of receipt, to the representations of His Majesty's vice-consul, Captain F. S. Ewart. This disregard in general of all rights, especially of unprotected Moors and Jews, has been carried to a fine art and after years of delay claimants have often ceased to complain. It is almost useless. Hence the dismay of the protectorate authorities at the thought that a precedent may be created for paying anything—not an exaggerated sum, no fear may be entertained of that—to their numerous victims.

Street B is stated to be the main artery of the new town by the commission. The latter adds that, though this is so, not only in 1914 but at the present date, sales of sites are effected in that street at sums varying from 20 to 27 pesetas per metre. Consequently, an offer of 20 pesetas per metre, plus 10 more for compensation, is, it is considered, very generous treatment.

Private individuals cannot have the same means of obtaining sure information as the local authorities, and if the commission states that at the present-day sales are being effected at these rates no doubt the commission has adequate proofs in reserve. It should be pointed out, however, that in two sales which took place in 1914 in this main artery 30 pesetas per metre were paid respectively by Messrs. Antonio Alenda and Antonio Fernandez Rubi for lots situated in blocks 39 and 38 respectively. Thus, taking these two sales as typical value in 1914 and assuming for the mere sake of hypothesis that the valuation of the site as in 1914 were acceptable, it would result that Sid Abdelqader would obtain exactly what he might have had then without any of the interests properly accruing.

With the reserve made above respecting possible sources of information to

which the profane have no access I venture to think that the following data may throw a different light on the matter:—

Block 43—

1. Sale of parcel to Elias Benatar by S. Shocron in 1917 at 45 pesetas per metre.
2. Sale of parcel by José Benatar to Bentolila and Cohen at same price.

Block 50—

1. Sale by S. Shocron in 1916 of small area at 55 pesetas Spanish.
2. Acquisition of area by Baruj Coriat and Fortunato Shocron in or about 1915 at 45 pesetas.
3. Purchase by latter from his partner in 1919 at 60 pesetas per metre.

Block 38—

1. Antonio Fernandez Rubi acquired an area at 30 pesetas in 1914.
2. Vicente Manuel Perez purchased the same area for 52 pesetas per square metre in 1916. This is within 45 metres of Er Rzini's land.

Block 39—

1. Antonio Alenda: 35 pesetas per square metre in 1914.
2. Benolol and Shocron: 27 pesetas per square metre in April 1915.
3. M. M. Wahnon: 34 pesetas in 1915.
4. Juan Vinola: 45 pesetas in 1916.

Block 44—

1. Isaac Toledano: 74·18 pesetas in March 1916 (a small area).
2. Benarroch and Co., of Melilla, rest of the block, with the exception of above and another small piece: 60 pesetas per metre on 1,073 metres; February 1919, *i.e.*, month in which Er Rzini opted for expropriation under the Act of Algeciras.

Block 40—

1. A. Benmergui, Cohen and Co.: 60·04 pesetas per metre; the 14th January, 1916.

Block 52—

1. Leon Aflalo: 80 pesetas; March 1916.

Approximate distances from Er Rzini's Berka property—

Block 43: 20 metres.
Block 50: 90 metres.
Block 38: Farthest point about 65 metres, nearest 10 metres.
Block 39: 75 metres.
Block 40: 135 metres.
Block 44: Farthest point about 65 metres, nearest about 20 metres.
Block 52: Aflalo's house, about 135 metres.

The commission is mistaken in assuming that the smallness of the property reduces its value. On the contrary any one wishing to build on the rest of the block would have to buy out Er Rzini at a fancy price. The nuisance caused by such small lots to neighbours who have to build according to a preconcerted plan is notorious. An example is furnished by the case of Mr. S. Shocron, who sold some 12 metres at 55 pesetas in block 50 in 1916.

The claimant is naturally obliged to the Commission for pointing out the puerile miscalculation made in estimating the area of the Berka. Nothing less was to be expected from such a body, but he observes that the total difference to the amount proposed as an equitable valuation by the commission would be about 600 pesetas, or say 20*l*. in his disfavour.

He considers both the basis of calculation adopted and the price offered quite unacceptable.

(6.)

Aghattas Claim.

First of all, it is to be observed that the claimant does not agree with the area assigned to the smaller piece of land or Aghattas-es-Segheer. He points out that the measurements on his documents were made in the autumn of 1913, at a time when no serious building operations, if any, had taken place, and he alleges that these measurements are more liable to be correct than those taken now, when the site is as completely metamorphosed as to be unrecognisable. Additional photographs of Aghattas are transmitted herewith.* In the plan submitted by the commission, the boundary with the Habous is given as 11·5 metres instead of 21·80 metres, by the town wall 21 metres odd instead of 27·60 metres, while the other two sides are in accordance with Er Rzini's measurements. These variations naturally reduce the area of Aghattas-es-Segheer considerably, seeing that the rough calculations made when sending in the claim two years ago made it to be over 1,000 square metres.

Sid Abdelqader-er-Rzini's son, who represented his father when the measurements were taken, assures me that the neighbours who were called in to help determine the boundaries frankly stated that it was impossible for them to perform their task accurately. How much of these observations was translated for the benefit of members of the commission, I cannot pretend to say, as I was not invited to be present. The same person tells me that he showed the original measurements contained in his document to the architect, who, at the end of the proceedings, showed him a rough plan, alleging it to be in accordance with his, Er Rzini's, measurements. I cannot vouch for the accuracy or not of these statements, but in the interests of the claimant, I consider that the Spanish authorities should be informed that the commission did not submit its plan for comparison with those of the claimant, and that the reduced area cannot be accepted as being accurate. Er Rzini's measurements should be accepted as regards Aghattas-es-Segheer, made as they were with the full concurrence of the neighbours when the land was yet unoccupied and the boundaries obvious.

Description of the Land.—I have closely questioned not only the claimant, but independent persons, and one and all agree in saying that Aghattas was, without doubt, one of the most valuable, if not the most valuable, unbuilt-over area in or near the town.

It was planted, I am told, with fig and mulberry trees, this last statement being substantiated apparently by the fact that the city gate beside it, called by the Spaniards the "Puerta de Tanger," or Tangier Gate, is called in Arabic "Bab-et-Tuts," or Mulberry Gate. The soil was irrigated by several runnels, the water of which the various proprietors diverted to their lands in turn in accordance with the customs of irrigation, and excellent vegetable and other crops were raised. Sid Abdelqader-er-Rzini tells me that he usually rented the part belonging to him to market gardeners in pre-occupation days, and received a rental varying from 20 dollars Hassani to as much as 80 dollars Hassani per annum. Bearing in mind the immense rise in the cost of living in Morocco in the last fifteen years, out of all proportion to the rise in Europe caused by the war, it is easy to form an idea of the utility which this property represented to market gardeners, who were ready to pay such rentals at a time when, compared with European prices, food in Morocco was ridiculously cheap.

Previously to the Spanish occupation, I understand that the native police occupied part of Aghattas, and that crops of alfalfa were raised for the horses by the Spanish officer in command. The stables of the native police in Dar Bomba abut on the Aghattas now as then. It is not usual to lodge either horses or men on and in close proximity to a "*véritable foyer d'infection*," "a boggy and unhealthy spot" and "a danger to the city," and I am convinced that no Spanish officers can have been guilty of such an enormity.

It should be noted that Aghattas, as can be observed from the scale plans transmitted,* was always entirely surrounded by walls, and was thus effectively cut off from the quarter of the Ayoon. The entrance to Aghattas is that referred to a few lines further on in the memorandum of the commission, and is situated within a few yards of the Tangier Gate. The remarks anent its being the only means of

* Not reproduced.

access to "this military dependency" are devoid of point. It is equally true that in the past it was the only means of access to a flourishing market and fruit garden. But for continued detention of the property by the Spanish authorities it might be the only and quite sufficient means of access to a first-class building site for stores, houses, &c. It should be added that by building another gate at the western end, giving on to the Ensanche, the Spanish authorities have removed the one possible defect which the critic might have imputed to the area.

In fairness to the members of the commission, I must state that, doubtless, in forming their conclusions, they were led away by the extraordinary etymology propounded for them of the word "Aghattas." It would be a bold man who would roundly assert that any Arabic word had but one signification. It is possible that Aghattas may mean "an insanitary and boggy spot." That it is its only meaning I flatly deny. I have consulted a number of natives and two dictionaries. They one and all concur in stating that the word means "diver," either of the human or ornithological species. Asked why the place was named thus, the natives mainly replied that they did not know. The most reasonable suggestion made is that it is named after a now extinct family, the Oulad Aghattis. Instances of similar place names in Tetuan are afforded by the Bab-er-Remous and the Ajinwy quarter, named respectively after the Remous and Ajinwy families. Ayoon certainly means springs amongst other things, and I have yet to learn that a plentiful water supply is a drawback to a town. Besides, as the commission itself states, Aghattas is shut off from ("incomunicada") this quarter.

Value of the Land.—The commission wishes to base the value of the land on the sum paid to two unprotected natives in or about May 1914 for a piece of land already seized upon by the military authorities. It is only to be supposed that, faced with this *fait accompli*, and seeing so much land being ruthlessly taken without a penny compensation from foreign protégés and unprotected natives alike, these two Moors were but too pleased to take what they could and be thankful. I hazard the suggestion that but for the fact that Hadji-el-Arbi Bennuna was a Spanish agent, no compensation would have been paid at all. The fact of this price per metre having been given at that date to two unprotected natives effectively disposes of the theory of the undesirable condition of the site.

As pointed out in the claim as sent in under cover of my despatch No. 167 of the 15th November, 1919, this land was rented for two years only by the Basha on behalf of the Spanish authorities. It was to be returned to its owners at the end of that time. Sid Abdelqader protested against its continued occupation on the termination of the lease, both to the Basha and Grand Vizier, and lately did so again in the case of the former. It is inadmissible, our claimant asserts, that an attempt be made under any circumstances to fix its value from a period anterior to the termination of the said lease, *i.e.*, on or about the end of October 1915.

The attention of the Spanish authorities was drawn in the early days of 1914 by Captain Ewart to the fact that they were building on Er Rzini's Aghattas property without his consent. Their lease gave them no such right.

Nothing could have been simpler than for the Spanish authorities to have declared their intention of expropriating Er Rzini at the end of 1915. It was apparently thought cheaper not to, and, as in the case of other claims of his, it was only in December 1918 that the intention to expropriate was clearly manifested. The claimant chose expropriation under the act of Algeciras, and he is prepared, if necessary, to abide by that decision. He considers the offer of total compensation at the rate of 10 pesetas per metre to be absolutely inadequate.

It should be noted that a municipal "règlement" for 1921 imposes a tax of 20 centimos per metre per annum for unbuilt-over sites or ruined houses in the Ensanche between street B and the limits of the camp, street A, *i.e.*, land separated by the width of the Tangier road from Aghattas-el-Kebir. The same "règlement" foreshadows the imposition of a similar tax, but of 30 centimos per square metre, on the area inside the town walls starting from the Tangier Gate and including Trancats or the district to the immediate west of Aghattas. If land is considered capable of bearing a tax of this nature it must be of considerable value, and it is only reasonable to suppose that a large open space, such as Aghattas, would have commanded a better price than the crowded native quarter. Land in the Ensanche lying to the east of street B and eventually liable to a similar tax has been selling from 1915 on for prices reaching 80 pesetas per metre. Even in the despised Ayoon from which, as the commission rightly observes, Aghattas is cut off entirely, unbuilt-over sites will be called upon eventually to pay a tax of 10 centimos per metre.

Ownership.—The same remarks apply as in the case of the Ras Aqiba del Merra property. If Hassar's heirs considered they were in any way defrauded they had only to appeal to Shraa. I understand that El Hassar's uncle, a very old man, raised some verbal objections in respect of entailed property, but was convinced of his mistake and desisted. It is more than likely that rumours of these discussions reached the ears of the Native Affairs Department. That is all.

(7.)

Aviation Ground.

Plan of the ground.—Sid Abdelqader-er-Rzini does not impugn the plan submitted by the commission as far as it goes. He states, however, that, in spite of his representatives drawing attention to an unmetalled road, containing some 4,000 square metres, which, passing through corn land of his, joins the Martin road, thus completing the circle of communications of the aviation ground with Tetuan, no notice has been taken thereof by the commission's delegates who visited the spot. This road, with its alternative route, as shown in the accompanying photograph of a native plan,* is continually used by motor-cars and other vehicles, and, as it is unmetalled and consequently liable to become bad after a little rain, there is continual tendency on the part of the users thereof to widen it still further by steering out on either side. He demands that a reasonable width be fixed for this road, say, 10 metres, and its area, once fixed, be purchased from him.

Value.—Sid Abdelqader-er-Rzini is willing to accept 60 centimos per square metre as the value of the upper portion of the land, *i.e.*, 12,858·25 metres. He does not consider that this sum covers the damage and loss he has suffered in various ways since the occupation of the land. He points out that if, as occurred in 1917, land was expropriated for the railway at Malalien, 8 kilom. from Tetuan at the rate of 50 centimos per metre, it is only natural that land so close to Tetuan as the aviation ground should be worth more. The fact that the person expropriated at Malalien was a Spanish functionary, Señor Gonzalez, at present administrator of the Habous, is an added guarantee to his mind that, if anything, less favourable treatment would be accorded to him than would have been if Señor Gonzalez had not occupied an official position.

As regards the lower part, or 46,905·75 metres, he observes that in this country where in summer the great difficulty is to get feed for cattle at all a water meadow such as his is of infinitely greater value than dry land. Such land is extremely rare, especially in sufficiently close proximity to the town for the full benefit to be derived therefrom. I have spoken to several farmers who endorse these views, one even going as far as to say that he would give willingly 100 dollars a marja (694 square metres) for land such as that of Sid Abdelqader, *i.e.*, a higher price than that offered. I do not, however, think it would be fair to the man to quote this in evidence. Expert evidence tending to demonstrate the superior value of the land is being prepared. Sid Abdelqader's good faith is demonstrated by the fact that he continually has expressed the hope that the aerodrome would be removed so that he might avoid expropriation, to which he has always been strongly opposed. Mention of this fact has several times occurred in past correspondence with the Agency, and at one time his Excellency the High Commissioner actually, in 1919, led me to believe that the occupation might prove to be but temporary. He does not reject the proposal to exchange the area taken for a similar number of metres of Makhzen land, provided it be equally suitable for his purpose. His claim for rent must, however, stand. An effort was made by me lately to settle this claim by exchanging the Doqm-el-Guezira land for a strip of Makhzen land on which the remaining half of the old custom house stands, the edifice to be given in with the land. This attempt fell through when I informed the claimant that the Spanish authorities had valued the old building at 30,000 pesetas Spanish—a contrast to their procedure in paying for bombarded and pillaged country houses at the rate of a couple of hundred or so dollars Hassani.

It is true that Sid Abdelqader-er-Rzini has continued to enjoy a limited use of part of the occupied land. At the same time the commission passes over in silence

* Not reproduced.

the question of the continual trespass for purposes of drilling and manœuvres of Spanish troops over a large part of the estate—a nuisance which was only terminated in 1918 after a long correspondence between my substitute, M. Selous, and the military authorities.

Further is to be considered the question of the continual trespass by the Spanish troops over the whole ground, the grazing of pigs, ostensibly the property of canteen keepers, the grazing of army mules, &c., all of which have led and still lead to continual and most justifiable complaints on the part of the claimant. Finally, I must mention also the acts of loathsome bestiality committed on young female calves by the Spanish soldiers in the past. This abuse which might, the claimant feared, have exercised a deleterious effect upon the breed was put a stop to last year on private remonstrances being made to the High Commissioner.

Ownership.—The commission here again, after trying "to make our flesh creep" by casting doubts upon the validity of the title-deed, magnanimously announces its intention of not proceeding further in the matter. The facts are that the late Qadi, Si T'hami Afailal, had for some time a substitute named El Amrani, who signed countless documents as such without opposition. The said Amrani, a man of known probity, is now Qadi in another part of the Spanish zone. I am assured that in the past it was not the practice of the Qoddat to obtain an official letter of appointment from the Sultan for their substitute, such practice being an innovation. I understand that the Spaniards appoint substitutes for the Qadi through the Khalifa, Moulai-el-Mehdi. The practice of refusing to recognise documents countersigned by El Amrani during his term of office in Tetuan will, if persisted in, cause trouble and expense to numbers of innocent people. If necessary, Sid Abdelqader can always have a new mulkia made, as his boundaries are well known.

[W 6798/353/28] No. 56.

Sir H. White to Earl Curzon.—(Received June 23.)

(No. 254.)

My Lord, *Tangier, June* 13, 1921.

WITH reference to my despatch No. 250 of the 12th instant, I have the honour to submit the following observations on the note of the Spanish Ambassador, a copy of which was transmitted to me in your Lordship's despatch No. 137 of the 13th ultimo, and on the findings of the commission appointed to examine certain claims of Cid Abdelkader Er Rzini enclosed therein.

His Majesty's vice-consul at Tetuan has dealt very fully with those documents in his reply transmitted in my above-mentioned despatch, and as he has the necessary local knowledge of values, it will not be necessary for me to deal with that matter in this despatch beyond remarking that the sums proposed to be awarded would appear to fail most lamentably to fulfil the protestations of generosity on which the Spanish Ambassador lays so much stress, and render it most undesirable that we should exert any pressure on Cid Er Rzini to accept them.

I would, however, desire to draw particular attention to certain most misleading statements contained in Señor Merry del Val's letter.

1. That Cid Er Rzini's pretensions are excessive: In this respect I would beg leave to state that Spanish officials have on more than one occasion given their testimony to the moderation of his demands—in fact, an official from Tetuan once informed me privately that it was unfortunate that Cid Er Rzini had not exaggerated his claims, as the Spanish authorities could not create an inconvenient precedent by awarding him a sum appropriate to the amount claimed. For his Excellency to declare that exaggeration was a cause of the delay in the settlement of Er Rzini's claims is disproved by the fact that though the claims were presented in 1917, it was not until the spring of 1920 that the Spanish authorities were notified of the sums claimed in respect of these properties. Moreover, once the commission was appointed, it was able to conclude its enquiry in a month. In any case, Cid Er Rzini demanded to be expropriated in due form. Even were his claims exaggerated, that could not delay the procedure.

2. Interest on capital value claimed: No such claim has ever been put forward. The interest claimed is on rental only.

3. Measurements made by commission: It will be seen from Mr. Atkinson's remarks that Cid Er Rzini by no means accepts those measurements.

4. Exaggeration of claims: The suggestions put forward in this respect are of so vague and general a character that it would appear that they are only thrown out to produce a false impression and to endeavour to explain away the perfectly inadequate compensation offered. The list of indemnities awarded in other cases to which his Excellency refers is dealt with by Mr. Atkinson in his despatch which examines some of those awards, and throws a light on them not at all favourable to the much-vaunted generosity of the commission.

5. The "mulkia:" These documents are accepted throughout Morocco as valid titles, and are, as a matter of fact, held to be of greater value than very old documents of purchase, especially where the "mulkia" has been drawn up at a recent date, and confirms the undisputed possession of the property for a term of ten years or more. In Tangier it is now customary when documents of purchase or ownership are more than about 15 years old, for the "Shraa" to insist on a document of undisputed possession, "istimrar-el-mulk," which is equivalent to a "mulkia" being drawn up. This argument is also apparently put forward to produce prejudice and support a weak case.

6. Original value of land: It is true that before the Spanish occupation the land in the vicinity of the town had not the value it now has. This has never been disputed. I would, however, remark that the appreciation of land in the Spanish zone is insignificant compared with that in the French zone, and if the Spanish authorities have not settled with owners on the basis of the prices ruling at the time they took possession the fault is entirely theirs through omitting to make the necessary declaration of public utility and not proceeding to expropriation immediately they occupied the land, or on the expiry of the term for which they had rented it. Moreover, I understand that land in the vicinity of the Er Rzini barracks had been sold by the metre prior to the occupation of that site by the military authorities.

7. Aghattas Land: The interpretation of the word "Aghattas" as a *lugar infecto* cannot be accepted. If it has any meaning at all, which does not necessarily follow, it would be "a marsh or boggy place." That it was not so *infecto* as the Spanish authorities would seek to show is proved by the fact that they have utilised it.

8. Aqiba-el-Merra: The question of this site is complicated by the fact that it carries an entail by which the "Habous" or "Wakf" will in certain contingencies benefit. Its alienation, except by exchange, is forbidden by Islamic law. This exchange is termed "munakala" and is common throughout the country. Property showing a greater return is usually stipulated in cases where such properties are exchanged. In order therefore to retain possession of this land the authorities would, strictly speaking, have to give compensation in kind and the entail be transferred to the property given in its stead.

9. Decision of commission regarding aviation ground: Cid Er Rzini is prepared to accept suitable compensation in kind if his price is not agreed to.

10. Berka de ben Qarrish: I have nothing to add to the observations made by Mr. Atkinson.

11. In the antepenultimate paragraph of his letter the Spanish Ambassador states "they (the lands) were occupied with his consent and on payment of rental, &c. . . . ." It would appear that his Excellency has been erroneously informed on this point. The only land occupied with his consent and at a rental was the "Aghattas" property and that was rented from his partner, a Spanish protected Moor, during Er Rzini's temporary absence from Tetuan, at a rental of 100 dollars less per annum than had previously been offered by a Spanish officer and refused by him. The other lands were occupied without his consent and no rental has been paid on them.

In conclusion, I would point out that: in the absence of an amicable settlement, Cid Er Rzini is entitled to maintain his demand that he be expropriated in accordance with the terms of the regulations made under articles 113 *et seq.* of the Act of Algeciras, and it appears to me that we should insist on this unless the Spanish Government prefer to accept arbitration on the lines suggested in Mr. Atkinson's despatch.

(Copy to Madrid.)

I have, &c.
HERBERT WHITE.

Chapter V.—Miscellaneous.

[W 2789/2789/28] No. 57.

Sir H. White to Earl Curzon.—(*Received March* 14.)

(No. 91)

My Lord, *Tangier, March* 5, 1921.

THE Morocco Loan of 1914 provided a sum of 36,250,000 fr. for the construction of 1,500 kilom. of roads in the French zone, and the Supplementary Loan of 1916 increased this amount to 71,750,000 fr. It was anticipated that these roads would take five years to build, but the Resident-General, recognising the importance of road construction, both from a military point of view and from that of keeping the natives contented by providing them with the means of earning money and thus tending to the pacification of the country, pushed on the works, so that at the end of the five years, that is by the 1st January, 1920, there were more than 2,600 kilom. of roads finished, 350 kilom. under construction and 250 kilom. of which the plans were being prepared. The sum provided by the loans had of course been exceeded, but the balance was provided out of the ordinary budget of the protectorate and the reserve funds. The French zone portion of the Tangier–Rabat road, like the sections in the Tangier and Spanish zones, is paid for from the funds of the Caisse spéciale.

All the ports as well as the towns of the interior are now connected with each other by first-class roads, and there are a number of roads penetrating into the interior in different directions which are of great use for the transport of agricultural produce, &c.

I have, &c.

HERBERT E. WHITE.

[W 3214] No. 58.

Earl Curzon to Sir E. Howard (Madrid).

(No. 162.)

Sir, *Foreign Office, March* 22, 1921.

THE Spanish Ambassador asked to see me this afternoon.

As it was believed that he intended to attack me for our alleged undue complacency in the face of persistent French encroachments in Tangier, I had armed myself in advance with the facts of the various cases which he was likely to raise. Much to my satisfaction, however, he only expatiated upon two of these.

*The first was with regard to the recent Mining Regulations, promulgated by the Sultan of Morocco at the instigation of the French in the French zone. So long as these regulations had been applied by the French in the French zone, the Spanish Government had not raised any objection, but now that they had stepped across the border and were trying to enforce them, without previous consultation with the Spaniards or anyone else, in the Tangier zone, the Ambassador said that his Government must seriously protest, and he invited our co-operation in the matter.

Inasmuch as the case is one of the few of those which I had expected his Excellency to raise, in which we were in entire accord with him, I had pleasure in informing him that we entirely agreed that the draft regulations should have been submitted, before issue, to the Diplomatic Body at Tangier, and that we would make immediate representations to the French to this effect. This was only one of several instances in which the French showed a growing tendency to deal with Tangier affairs without consulting the Diplomatic Body, and in this way to prejudge and prejudice the idea of an international régime, when this should be established, and when the municipality would naturally take over all the rights and duties of the Makhzen.

†Señor Merry del Val received my assurance with much satisfaction.

The second point, on which I was unable to concur with him, related to the alleged increase of the armed forces under French influence in Tangier. The Ambassador had already on more than one occasion made complaints of this to the Foreign Office, and my researches into the matter had shown me that his apprehensions were ill-grounded. For instance, the Compagnie chérifienne, against which his Excellency protested in the

* See Chapter I (a). † See Chapter I (b).

course of the year 1919, and which at that time consisted of about 400 men, had since been reduced to 250. Its existence had, moreover, been justified by the necessity of providing some local force more reliable than the Spanish police tabor—a remark on my part which caused a spasm of anxiety to pass across the face of his Excellency.

Furthermore, the second force, of which he had complained in 1920, namely, the Basha's police, had since turned out to be an innocuous company of about forty men, armed only with decorative daggers, who strutted about in the native quarter keeping some sort of order; while the military works of a suspicious character, against which the Ambassador had protested at the same time, were reported to me to consist of the removal of rubbish from old fortifications.

The Ambassador did not accept these explanations, and undertook to resume the subject at an early date.

*As we were on this mildly controversial ground, I seized the occasion to remind his Excellency that no progress had been made in the settlement of British non-commission claims in the Spanish zone, which had now remained unsolved for a period of years. Our proposal had always been the appointment of a commission at Madrid, but when the Spanish authorities at Tetuan had suggested a local commission, on which the British were represented, we had been willing to agree to this, although we thought it an inferior plan. The Spanish Government had subsequently objected to the presence of Mr. Atkinson on this commission, apparently because he knew too much about the conduct of the local Spanish authorities, and his Excellency would, I said, be relieved to know that he was about to be removed from Tetuan to another sphere.

The next step, however, I understood to be that a proposal had been made, or was likely to be made, for the creation of a Spanish commission, from which any British representative should be excluded, but on which, on the other hand, it was proposed to include the Assistant Crown Prosecutor, Señor Villas y Villareal, a gentleman who had distinguished himself by anti-English and anti-Allied proclivities during the war. Such an appointment would, I said, be most disagreeable to us, and, indeed, it was out of the question that we could accept a commission from which a British representative was excluded.

I appealed to the Spanish Ambassador to settle the question in an amicable spirit and not to allow these relatively trumpery squabbles, which caused a great deal of local irritation, to interfere with the wider relationship between our two Governments.

As regards the latter and the larger question of Tangier, upon which I touched before concluding, I said that, if the Spanish Government wished any further action to be taken, the initiative must proceed from them. I had already twice been rebuffed by successive French Administrations in my offer to preside over a conference in London and I did not intend to court a third refusal. Convinced though I was that the question ought to be settled by international agreement, and would naturally become more acute the longer it remained unsolved, I yet could not possibly take the initiative in the matter after what had occurred. If pressure were to be applied, therefore, it was from the Spaniards that it must come, and when the Ambassador answered me that a renewed application to the French would only meet with a renewed refusal, I replied that this was a matter upon which his Government must be the judge, but that every time the French refused the reasonable proposal for a conference the worse, as it seemed to me, would their case appear when the whole facts should ultimately be revealed.

His Excellency undertook to communicate with his Government on the various topics that had been raised in our conversation.

I am, &c.

CURZON OF KEDLESTON.

[W 5259/5259/28] No. 59.

Mr. Clark Kerr to Earl Curzon.—(*Received May* 17.)

(No. 186.)

My Lord, *Tangier, May* 4, 1921.

IN accordance with the instructions in your Lordship's circular despatch of the 18th October last, I have the honour to transmit to your Lordship herewith a report on the heads of foreign missions in Tangier.

I have, &c.

A. K. CLARK KERR.

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* See Chapter IV.

Enclosure in No. 59.

Report on Heads of Missions in Tangier.

Belgium.

Belgium is represented by M. Maurice Cuvelier, who was appointed diplomatic agent and consul-general at Tangier in 1917. He is in the Belgian Consular Service and spent some time at Bombay. He is an amiable enough colleague and gives himself considerable trouble to fulfil his social duties, holding tenaciously to his place in the sun as Belgian representative. The pomposity of his manner and the pedantry of his diction make him something of a butt amongst his colleagues. He usually votes with the French in matters concerning the administration of Tangier. He is married, and his wife is generally popular. He has some knowledge of English.

France.

M. François de Carbonnel has been French diplomatic agent since 1919. Before his arrival he was counsellor at the French mission to the Belgian Government at Le Havre and some time earlier Secretary of Embassy at Berlin. He is a man of considerable intellect, probity, ability and charm, and always a pleasant colleague to deal with, for while he is naturally tenacious of what he holds to be the rights of his Government in Tangier, he is invariably ready to listen to reason as far as possible and to avoid friction. He is of strong Anglophile sympathies. It has been said of him that he shows some weakness in resisting the exaggerated claims of the French community, but in fact he seems rather to be the unwilling victim of the often misguided policy in regard to Tangier of the French protectorate authorities, with whom, I understand, his opinion carries but little weight. He is particularly unfortunate in the character of the members of his staff, and much is said to be done by the dragomans of the agency of which he has no knowledge. He is a widower.

Italy.

Before coming to Tangier in 1915 M. Sabino Rinella, the Italian diplomatic agent, was employed at the Consulta, having before done service in the Balkans, whither he is still anxious to return.

M. Rinella shows much energy and originality in dealing with matters affecting the administration of the town, and is often the means of securing the settlement of disputed points, his colleagues giving way to him rather through fear of what he may say or do next than by conviction. It must at the same time be admitted that, although presented in an eccentric manner, his views are generally sound common sense. At the meetings of the Travaux publics his chief adversary is the Spanish Minister, and as both are quick-tempered it is often the painful task of the other members to sit and listen to the undignified squabbles of these two. M. Rinella entertains assiduously. He is unmarried.

Netherlands.

M. Franz Groenman came to Tangier as Chargé d'Affaires about a year ago. He is a career vice-consul in the Dutch service and spent some two years at Winnipeg, having worked at the Ministry for Foreign Affairs at The Hague between that time and the date of his appointment to Tangier. He has a good knowledge of English, and is said to be strongly Anglophile in his sentiments. He is a quiet and amiable, if somewhat colourless, individual. He is married to an energetic young wife, who also speaks English.

Portugal.

Vacant, M. Periera de Menezes, the late incumbent, having died a few months ago.

Spain.

Don Francisco Serrat has been Spanish representative at Tangier since the beginning of 1916, before which date he was head of the Morocco Department in the Ministry for Foreign Affairs at Madrid, having previously served in several Spanish diplomatic missions in Europe and elsewhere.

M. Serrat is in the strange position of not being officially recognised by the Makhzen, never having been furnished with letters of credence as diplomatic agent. He explains his position by claiming that he is merely agent for the Tangier zone,

where his Government do not recognise any sovereign rights on the part of the Sultan, and that he has nothing to do with the French protectorate or the Spanish zone of Morocco.

M. Serrat is a man of a certain ability and a master of the terms of all the treaties, rules and regulations affecting this place. His position in Tangier, where he feels obliged actively and constantly to uphold Spanish rights, renders him, however, touchy and impulsive and apt to rush into ill-considered action that he afterwards regrets. He has no manners, and the manifestations of his quick temper, soured by his experiences at Tangier, are unpleasant. At meetings of the Diplomatic Body, Conseil sanitaire and the Comité des Travaux publics he sometimes loses control of himself and beats the table and shouts. He is a difficult colleague to deal with and not always truthful, and at a place such as Tangier, where the difficulties of things often demand much patience, tact and goodwill, he can only be regarded as a danger.

United States.

Mr. Maxwell Blake has been American diplomatic agent and consul-general since 1917, having previously acted for some time as Chargé d'Affaires. Before coming to Tangier he did some service as consul at Dunfermline, where he was sent, I understand, to make a special study of the lace industry. He is under the disadvantage of speaking but little French and of course no Arabic, and is therefore in questions affecting his Moorish protégés to a great extent dependent upon his interpreters, who are local men of a not very desirable type.

Mr. Blake is possessed of much sound common sense and considerable insight. He is frank and outspoken, and makes no concealment of his contempt for the littleness of things at Tangier and of the machinations of France and Spain. In the constant struggles between the representatives of these two Powers to secure posts for their nationals, irrespective of the suitability of the latter, Mr. Blake's intervention is often the means of securing the appointment of the candidate that is obviously fitted for the post. It would seem as if his colleagues stood somewhat in awe of his unfailing honesty of purpose and of the straightforwardness of his methods. His sympathies are very pro-British, and he is a colleague on whom it is always possible to count. He is generally liked and respected. He divorced his wife some two or three years ago. As regards American domestic politics, he is a Republican.

[W 5873/367/41] No. 60.

Sir E. Howard to Earl Curzon.—(*Received May* 31.)

(No. 329.)
(Extract.) *Madrid, May* 26, 1921.

DURING the course of a debate on the Bill relative to the extension of the contract held by the Tobacco Monopoly Señor Santiago Alba, leader of the Reformista section of the Liberal Party, made a speech touching on the financial conditions of this country. This speech has evoked a certain amount of notice and comment in the press and it is perhaps worth mentioning its principal points.

Señor Alba began by saying that in the present critical condition of Spanish finances a debate in Parliament offered the best hope of finding a solution and that such a debate could not injure the Government. The situation, he said, was so grave that the discussion of a question such as that of the Tobacco Monopoly could only go with or after a discussion of financial conditions in general. Señor Alba then referred to the improvements he had effected as Minister of Finance and went on to show how since 1909 the general deficit had risen steadily until in 1920–21 it reached the figure of 872,000,000 pesetas, a figure which would be exceeded in the current year. As the deficit increased so did the debt. In 1910 it stood at 9,000,000,000 pesetas and now at 12,000,000,000, and perhaps the greatest source of anxiety is the Treasury debt. Without having any definite scheme of financial reconstruction, it would be necessary at the end of the year to consolidate 1,829,000,000 in order to pay what is owing, which means that 2,800,000,000 will have to be issued, representing 110,000,000 as interest. During the fat years Governments had failed to interest themselves sufficiently in the matter with the results now seen, and these are due to three causes: an enormous increase in the expenditure on personnel; increases in the estimates of the Ministry of War and expenditure in Morocco. In 1900, 293,000,000 were spent on personnel and in 1920, 1,000,000,000. This state of affairs must be changed.

In regard to military expenditure he said that in 1909, 218,000,000 were spent and in the last budget the figure was 600,000,000 and this was largely due to defective organisation and administration.

As regards Morocco from 1909–20, 1,400,000,000 had been spent, but no experience had been gained and reliance is placed only on military penetration and the efforts of the religious orders. During this period 1,200,000,000 had been spent on military penetration and 30,000,000 on public works. Morocco cannot be abandoned, but civil progress especially in respect of public works must accompany military advances. Let those who disagreed compare Spanish figures with those of the French protectorate in the same country.

[W 6166/6166/28] No. 61.

Sir H. White to Earl Curzon.—(Received June 7.)

(No. 231.)

My Lord, *Tangier, May 26, 1921.*

I HAVE the honour to report that I left Tangier for the French zone on the 5th instant, returning here on the 23rd, after having visited Laraiche, Alcazar, Kenitra, Mehedia, Rabat, Fedala, Casablanca, Marrakesh, Mogador, Saffi and Mazagan. I took my own car in order to be able to travel more rapidly and to be independent, but unfortunately, owing to the shocking state of the roads, or rather cross-country tracks in the Spanish zone and of a section of road in the French zone, my car broke down and had to be sent back to Casablanca for repair, and it is likely to be long before I receive it again, as it was necessary to send to London for the spare parts required.

The Basha of Marrakesh, Hadj Thami Glawi, having heard of the accident, sent his car to bring me in to that town, and two days later a car arrived from Rabat, having been sent by the resident-general to be placed at my disposal. In the circumstances, I could but accept with thanks, though it was partly in order to avoid that very contingency that I had taken my own car.

Having learnt that the colony here would have felt aggrieved if I were not back for the Empire Day celebrations, I had to hurry through my tour and could not stop at the various places I visited so long as I had wished, nor had I time to visit Fez. I was able, however, to meet all the principal merchants and have some conversation with them, and I was pleased to find that they had very few complaints to make. They were, of course, suffering from the commercial crisis, but they were aware that it was general and not peculiar to this country, and they bore their recent heavy losses stoically, hoping for better times to come. They expressed some anxiety as to whether our commercial rights in this country would be sufficiently safeguarded after the abolition of the Capitulations, but I assured them that His Majesty's Government were fully alive to the importance of maintaining those rights.

There was some complaint, especially at Casablanca, in regard to taxation, which, owing to the "additional decimes" on the "droits de patentes" and the "taxe urbaine," made the taxes somewhat heavy, but I explained that very great improvements had been introduced which involved heavy expenditure, and, though under the treaties we were exempt from taxation, it would not be fair or reasonable, whilst enjoying the benefits of these improvements, to refuse to bear our share of the cost. We could object to any taxes that would fall especially heavily on us or be unfair in any other ways, but we could not well refuse to pay taxes not open to those objections, when persons of all other nationalities were paying them.

At Casablanca mention was made of difficulties placed in the way of British subjects, whilst every facility was afforded to Frenchmen, but no specific cases could be furnished which I could quote at the residency-general, and it was admitted that unless I was able to cite specific cases it was useless for me to bring the matter up at Rabat.

The policy of the Protectorate Government in regard to the export of grain was severely criticised, but as all restrictions except as regards wheat had already been removed, the grievance was as to the past rather than the present.

When at Rabat on my way south I saw both Marshal Lyautey and M. de Sorbier, Secretary-General of the protectorate, but on my return, after having visited the ports, the marshal was unfortunately absent, having been detained at Fez by the state of the roads owing to rain.

I had a long talk with M. de Sorbier, and spoke to him generally of the not very friendly spirit which they had recently displayed in their dealings with us and the disregard of our treaty rights. I said we were prepared to assist them as far as

possible, but at the same time we must maintain our rights, and it would greatly facilitate matters if the Protectorate Government would consult us before promulgating dahirs, &c., affecting British subjects. M. de Sorbier professed the great desire of the residency-general to maintain the most cordial relations with the agency, and observed that in the case of dahirs imposing taxation it was often necessary to maintain secrecy on the subject up to the moment of promulgation, as otherwise people could take steps to avoid the tax.

I also referred to the question of public works, &c., and pointed out that, as adjudications are at present carried out, it was practically impossible for firms in the United Kingdom to tender—the time allowed being too short.

I expressed the hope that a decision would be taken at an early date as to the exportation of wheat, and that it would not be put off until too late as in the case of barley. M. de Sorbier said that the matter was to be dealt with at the meeting of the Conseil de Gouvernement to be held early in June.

In reply to my enquiry, M. de Sorbier said it was unlikely that Agadir would be opened for trade for some time to come, thus confirming what Major Douglas had reported in his despatch, a copy of which was transmitted to your Lordship in Mr. Kerr's despatch No. 212 of the 17th instant. M. de Sorbier assured me that in any contract to be given for the construction of hotel and houses the rights which British subjects and others might have to the lands they claimed might be safeguarded.

I was much struck throughout my journey at the great progress that had been made in every direction since my last visit to the zone in 1917. All the towns were now connected by excellent roads, and the narrow-guage railway to Marrakesh was nearly completed. The towns had been largely extended, and fine public buildings were either already finished or in course of construction, especially at Rabat and Casablanca. Great progress had been made in harbour works, and the old ports were no longer recognisable, whilst the new ports at Kenitra and Fedala were rendering great services to shipping.

The crops throughout the country were magnificent, and, in the opinion of many, this year's harvest will be one of the best for a long time past. The sale of these crops must put large sums of money in circulation, and imports should show a considerable improvement as a consequence.

I have, &c.
HERBERT E. WHITE.